A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 1994

ZONING LAW OF THE TOWN OF STOCKTON

ADOPTED: OCTOBER 27, 1994

AMENDED:

April 25, 1997ǂ
May 14, 1998*
March 6, 2000@
April 8, 2004 ^
July 8, 2004 ^
January 3, 2006⊕
July 27, 2007>

DISCLAIMER

The Zoning Book and its contents, including all changes and amendments are a compilation. The book is intended to be used as a guide, not interpreted to be a legal document and its amendments as filed in the Town of Stockton Local Laws.

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ARTICLE I – TITLE ENACTING CLAUSE, PURPOSE

Section 101 – Title

A Local Law regulating the location, construction and use of buildings, structures and the use of land in the Town of Stockton, County of Chautauqua, State of New York and for said purposes dividing the Township into districts. This Local Law shall be known and cited as the Zoning Law of the Town of Stockton.

Section 102 – Enacting Clause

Pursuant to the authority conferred by the Laws of the State of New York and for each of the purposes specified therein, the Town Board of the Town of Stockton, County of Chautauqua and the of New York, has ordained and does hereby enact the following Local Law regulating and restricting the location, size and use of buildings and other structures and the use of the land in the same municipality.

ARTICLE I – TITLE ENACTING CLAUSE, PURPOSE
SECTION 103 – PURPOSES AND OBJECTIVES

Section – 103 Purposes and Objectives

A. Comprehensive Plan – The Zoning regulations and districts set forth and outlined upon the zoning map are made in accordance with a comprehensive plan for the municipality. The Zoning Laws bring benefits to the company which may not be highly or immediately visible. However, the resulting conditions will enhance and preserve the quality of living, health, and safety for the municipality.

B. General – General benefits derived from zoning laws include the following:

1. Promotes health, convenience, economics, and general welfare of the community;
2. Balances the rights of the public-at-large, private landowners, and other various interest groups;
3. Encourages the positive shaping of the future and long-range benefits associated with zoning laws;
4. Allows for the maintenance of a equitable assessment role;
5. Imposes some reasonable restraints on opportunists; and
6. Zoning permits locally controlled may allow amendments to meet changing needs, and has built-in flexibility for unique situation

C. Safety- From a safety viewpoint, zoning laws can assist in the following:

1. Promote fire safety by controlling building heights, separation of structures, ect.;
2. Promotes traffic safety by protecting the traffic carrying capabilities of highways through setbacks, ect,;
3. Insures that flood plains are reasonable controlled with respect to types of uses, densities, ect.; and
4. Protects residents from other conditions, which could cause injury or death.

D. Quality – Zoning Laws perpetuate the highest possible quality of life by:

1. Maintaining a rural atmosphere in selected areas;
2. Promoting the retention of an aesthetically pleasing community by minimizing nuisances and visually unattractive developments;
3. Insuring adequate light, air, and open space, and
4. Maintaining the character of residential neighborhoods by proving appropriate locations for living and raising a family through types of uses encouraged in a district.

ARTICLE I – TITLE ENACTING CLAUSE, PURPOSE
SECTION 103 – PURPOSES AND OBJECTIVES (CONTINUED)

E. **Economics** – Zoning Laws also positively affect a community's economic structure by:

1. Optimizing the use of existing infrastructure;
2. Utilizing existing roadways optimally while discouraging the creation of new roads, except as needed;
3. Encouraging the retention of prime agricultural, commercial and industrial properties for those uses for which they are best suited; and
4. Encouraging the largest tax base possible through controlled development.

F. **Stability** – Zoning laws also contribute a great deal to neighborhood stability by:

1. Keeping rural municipalities from being a dumping ground;
2. Protecting property values and individual investments by encouraging proper development for each type of district;
3. Maintaining the character of a neighborhood by providing a stable and orderly environment;
4. Keeping nuisances to a minimum, especially in residentially oriented neighborhoods; and
5. Allowing for the creation of a fair tax base by keeping informed of both new construction and demolition.

G. **Health** – Lastly, zoning laws protect public health through establishment of standards which address these issues. A zoning law:

1. Insures that appropriate amounts of light, air and open space are available for all residents;
2. Reinforces health standards, particularly with respect to sewage and water-related problems; and
3. Keeps unhealthy situations from arising which could cause disease or injury.

ARTICLE I – TITLE ENACTING CLAUSE, PURPOSE
SECTION 104 – APPLICATIONS OF REGULATIONS

A. **Compliance Responsibility** – It shall be the responsibility of all property owners, developers, lessors, or others involved with temporary or permanent use of land or structures to comply with regulations of this Zoning Law. No building or buildings shall be erected or altered which will substantially limit the usefulness or depreciate the value of the surrounding property.

B. **Regulation Applicability** – The regulations of this Law shall apply and shall require a permit (as required herein) for the following situations:

1. To occupy a structure or land
2. To erect, alter, enlarge, move or demolish a structure: and
3. To change one use to another use to include the increasing of families utilizing land or structures.

C. **Other Related Regulations** – The following regulations shall, as applicable, be complied with prior to occupancy where specifically stated prior to issuance of a permit:

1. Subdivision Laws – State and existing local subdivision laws must be complied with in addition to this Zoning Law.
2. National Flood Insurance Program – It shall be the responsibility of the applicant to obtain a permit to insure that the National Flood Insurance Regulations in addition to Zoning Regulations shall be complied with for those parcels located within the flood plain as shown on the official Flood Insurance Administration maps.
3. State Environmental Quality Review Act – Any development requiring a permit as well as amendments to this law shall be subject to an Environmental Assessment in accordance with State Law.
4. Health Department Rules – In areas not served by municipal sewer or water systems, the regulations of the State and county and local Health Departments with respect to water supply and sewage disposal facilities will apply. The applicant for a permit must obtain a copy of the required health department permits for attachment to his application, before the issuance of local approval.
5. Fire and Building Code – No structure shall be erected, altered, or used unless it complies with the New York State Uniform Fire and Building Code.
6. Wetland – Development taking place within 100 feet of State designated wetlands, requires a DEC permit.

ARTICLE I – TITLE ENACTING CLAUSE, PURPOSE
SECTION 104 – APPLICATIONS OF REGULATIONS(CONTINUED)

7. Right-of-way Crossing – The appropriate Highway Superintendent should be contacted prior to constructing a driveway or any other activity involving a highway right-of-way.
8. Excavation and Utility Lines – Any contractor or person excavating, shall notify the Municipal Clerk to obtain a current list of operators of underground facilities in accordance with Part 53, Title 12, Rules and Regulations of the State of New York. All contractors shall notify all "operators" 2 to 10 days prior to commencing the excavation.
9. Any and all other applicable State or Federal land use laws, rules or regulations.

ARTICLE II
INTERPRETATIONS AND DEFINITIONS

Section 201 – Language and Interpretations

For the purpose of this Local Law, certain terms or words herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The singular includes the plural. The word " person" includes a corporation as well as an individual. The word "lot" includes the word "plot" or "parcel". The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", arranged or designed to be used or occupied".

Section 202 – Definitions

Certain words and terms used in this Local Law are defined as follows:

ACCESSORY BUILDING – An accessory building or use is one which is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and is located on the same lot as the principal building or principal use served but is not allowed to be located in a front yard.

ACCESSORY APARTMENT – A secondary apartment developed in an existing single family dwelling which meets the following conditions: No more than 1 unit shall be created per dwelling unit in districts where multiple units are allowed, the apartment shall be between 600 and 800 square feet floor space with the resultant primary dwelling meeting all area requirements such as minimum floor space, sufficient off-street parking shall be provided, no visible signs of an apartment shall be present and finally, accessory dwellings may be utilized.

ACCESSORY FACILITY OR EQUIPMENT⊕ - Any structure other than a wind turbine, related to the use and purpose of deriving energy from such towers located at the tower facility.

ACCESSORY STRUCTURE* - A non habitable accessory facility or structure serving or being used in conjunction with the communications Tower and/ or similar facility or antenna, and located on the same lot as the communications Tower or antenna. Examples of such structures include utility or transmission equipment, storage sheds or cabinets.

ARTICLE II INTERPRETATIONS AND DEFINITIONS
SECTION 202 DEFINITIONS (CONTINUED)

ADEQUATE FOOD @ - The provisions at suitable intervals of not more that twenty-four (24) hours, unless the dietary requirements of the species require a different interval, of a quantity of wholesome foodstuff, suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, all of which foodstuff is served in a clean, safe receptacle, dish or container.

ADEQUATE HOUSING @ - The continuous provision of a sanitary facility; protected from extremes of weather conditions, proper ventilation and appropriate space depending on the breed of animal, as defined by the regulations "APHIS" (Animal and Plant Health and Inspection Service) of the USDA as revised.

ADEQUATE WATER @ - The continuous provision of clean, potable water in a safe receptacle.

AGRICULTURAL STRUCTURE - Any structure used primarily and directly for agricultural activities and including but not limited to barns, silos, storage sheds, corncribs, milk houses, and similar structures.

AIRPORT - Any land or water space frequently used for the landing and takeoff of any aircraft including helicopters. All airports must comply with federal and state regulations and be approved by the commissioner of transportation for New York State.

ALTERATION - As applied to a building or structure, a change or rearrangement in the structure parts, or in the exit facilities, or an enlargement, weather by extending on a side or increasing in height, or moving from 1 location or position to another, the term "alter" in its various modes and tenses and its particular form, refers to the making of an alteration.

ANIMAL FARM - Any animal, which customarily is raised for profits on farms and has the potential of causing a nuisance if not properly maintained.

ANIMAL SHELTER @ - A facility used to house or contain animals which is owned, operated and maintained by an incorporated humane society, animal welfare society, or society for the prevention of cruelty to animals.

ARTICLE II INTERPRETATIONS AND DEFINITIONS
SECTION 202 – DEFINITIONS (CONTINUED)

ANNTENNA * - A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication services (PSC), and microwave communications. ^ And any other electrical, electromagnetic, or other types of transmissions. A structure that holds devices to transmit information, including, but not limited to, Meteorological information, or other atmospheric information, including but not limited to, wind speed and direction, temperature, barometric pressure, any other such information. It is also intended to include in the definition any structure or device performing same or similar functions as defined herein.

APARTMENT HOUSE - A building arrangement intended or designed to be occupied by 4 or more families living independently of each other. Condominiums and townhouses shall be considered to be apartments.

AREA OF SPECIAL FLOOD HAZARD - Means the land in the flood plain within the community subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD - Means having a 1% chance of being equaled or exceeded in any given year.

BOARDING HOUSE - Any single-family dwelling unit lived in by a family, where for compensation, guestroom lodging is provided with or without meals for up to 2 individuals. The term " Boarding House" shall include "Rooming House", "Lodging House" and other similar terms.

BUFFER - A strip of land, fence or border of trees, ect. between 1 use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart1 use area from one another. An appropriate buffer may vary depending on uses, districts, size, ect., and shall determined by the Permitting Board.

BUILDING - Any structure having a roof supported by columns or by 4 independent, nonparty walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING AREA - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

ARTICLE II INTERPRETATIONS AND DEFINITIONS
SECTON 202 DEFINITIONS (CONTINUED)

BUILDING LINE - A line formed by the intersection of a horizontal plane of average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

BUILDING PERMIT - See permit.

BUILDING SETBACK LINE - An established line within a property defining the minimum required distance between the face of any structure to be erected and the edged of the road of an adjacent highway. (See building line)

BUSINESS/INDUSTRY, LIMITED - A commercial venture which is the primary or major occupant of a structure and possesses the following characteristics: utilizes a maximum of 1500 square feet of floor space, employs less than 5 employees, does not generate over 100 vehicles of business per 24-hour period, does not have a substantial effect on the character of the neighborhood and generates no nuisances (smoke, odor, noise, ect.).

BY RIGHT - Refers to uses requiring a permit but no public hearing required.

CLUB - An organization catering exclusively to members and their guest including premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing they are not conducting any vending stands, merchandising or commercial activities excepted as required generally for the convenience of the membership and purposes of such club.

CLUSTER DEVELOPMENT - A development of five acres or more where a developer may elect, after Board approval, to cluster or group his development in return for the permanent creation of common areas. Overall, the density of development remains approximately the same as required by the district area requirements.

CO-GENERATOR - A natural gas fueled engine used to drive a generator to produce electricity.

CO-LOCATED ANTENNA* - Telecommunications facilities which utilize existing towers, buildings or other structures for placement of antennas and do not require construction of a new tower.

CONVENTIONAL DWELLING UNIT - See dwelling unit.

ARTICLE II INTERPRETATIONS AND DEFINITIONS
SECTION 202 DEFINITIONS (CONTINUED)

DAY CARE CENTER - A structure, together with its lot operated on a regular basis, for the purpose of providing daytime care for five or more children or adults. Similar uses going under names such as Day Nurseries, shall for the purpose of this law be considered to be Day Care Centers.

DECK - An unroofed open structure projecting from an outside wall of a structure without any form of enclosure.

DESIGN/ARCHITCETURAL STANDARDS - Standard approved by the Municipal Board for use in guiding the design of new signs. The Planning Board shall be responsible for the administration of the design/architectural standards.

DEVELOPMENT - Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredged, filling, paving, excavation or drilling operations.

DOMESTICANIMAL - For the purposes of this Law a domestic animal shall include dogs and cats only.

DRIVE-IN - Businesses designed to either wholly or partially provide services or products to customers while in their automobiles parked on the premises. Examples include but are not limited to, film shops, drive-in theaters and fast food restaurants.

DRY HYDRANT - A pipeline capable of transporting water on a year-round basis from a pond, lake or other water source to a hydrant. The water is not under pressure and thus to be utilized for fire fighting purposes must be properly engineered such that a pump truck can successfully draw sufficient water volume from the hydrant.

DUPLEX - A dwelling arranged, intended, or designed to be occupied by 2 families living independently of each other.

ARTICLE II INTERPRETATIONS AND DEFINITIONS
SECTION 202 DEFINITIONS (CONTINUED)

DWELLING UNIT - One or more rooms providing living facilities, including equipment and provisions for cooking for a single household including 1 or more person living as a family. Dwelling units, shall be categorized by 4 construction types:

A. **Conventional** – A permanent single-or-multiple-family dwelling unit, which is built on site using conventional "stick" construction techniques among others. Included in this category are precut homes which refers to a conventional dwelling unit built on site utilizing wood framing members that are precut in a factory to the correct lengths but delivered to the building site unassembled. For the purpose of this Law, a precut dwelling unit shall be considered to be the same as a conventional dwelling unit and shall not be considered to be a manufactured home.

B. **Modular** – A permanent single-or-multiple-family dwelling unit which is brought to the building site as 2 or more units on a transport trailer. Modular dwelling units have no support frames as found on mobile homes, but instead are placed on a separate foundation. Modular dwelling units contain the same utility systems as conventional dwelling units. Modular dwelling units are not designed to be moved after they have been lifted unto a foundation. They are a minimum 24 feet wide.

C. **Prefabricated** – A permanent single-or-multiple-family dwelling unit, which is brought to the building site in large sections or panels usually 8 feet high and up to approximately 40 feet long. Often the doors and windows are factory installed in the panels with the wall panels designed to be erected immediately after delivery. Prefabricated dwelling units are sometimes referred to as panelizes units.

D. **Mobile Home** – A transportable, fully assembled single-family dwelling unit suitable for a year-round occupancy. Mobile dwelling units are supported by chassis, which is an integral part of the unit. Mobile dwelling units are not designed to be lived in except when set up on a lot with proper utilities. This includes double wide dwelling units, but does not include travel trailers, which are self-contained. For the purpose of this Law, mobile homes are listed separately as allowed uses are conventional (stick built/precut), modular and prefabricated (panelized) dwelling units.

EATING AND DRINKING ESTABLISHMENTS - Places where food and/or beverages are prepared and/or sold for consumption on the premises of take take-out, including restaurant, tea rooms, cafeterias, bars, taverns and lunchrooms.

ENFORCEMENT OFFICER - Shall mean Enforcement Officer of the municipality.

ARTICLE II INTERPRETATIONS AND DEFINITIONS
SECTION 202 DEFINITIONS (CONTINUED)

ESSENTIAL SERVICES - The erection construction, alteration, or maintenance by public utilities or municipal, or other governmental agencies, of gas, electrical, steam, water, sewage, and communication systems, and facilities. Railroad tracks and facilities and bus shelters shall also be considered as providing an essential service.

FALL DOWN ZONE * - The radius around a tower within which all portions of the tower and antennas would fall in the event of a structural failure of the tower.

FAMILY - One or more persons, related by birth, marriage, or other domestic bond, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

FARM - Any parcel of land containing at least 5 acres, which is used to raised/grow agricultural products, livestock, poultry and/or dairy products with the intent of financial gain. It includes necessary farm structures and the storage of equipment used.

FENCE - Any artificially constructed barrier or vegetation barrier, such as a hedge with the purpose or intent of preventing passage or view, thus providing privacy.

FENCE, BARRIER - Any fence which is located near the perimeter of the property for which it is intended to provide privacy.

FENCE, FARM - Any fence whether located on a farm or not which has as its primary purpose the control of non-domestic animals.

FENCE, NON-BARRIER - Any fence located a distance from the property line, which provides privacy to a portion of land such as a patio or a swimming pool.

FIRE RESISTANT - Any materials which possess the properties, construction or assembly qualities which under fire conditions prevents or retards the passage of excessive heat, gases, or flames and thus, is not easily ignited.

FLAMMABLE - Capable of igniting within 5 seconds when exposed to flame and continuing to burn.

FLOATING DISTRICT - Any zoning district for which regulations included in this law and yet for which no land has initially been designed on the zoning map to be included in said district. Such a district may become a reality through the amendment of the zoning map of the municipality in accordance with the amendment procedures of this law. The initiation of the creation of such a district may come from residents, the Planning Board, a developer or the Municipal Board itself, while the decision whether to activate such a district shall be made based upon the need for such a district.

ARTICLE II INTERPRETATIONS AND DEFINITIONS
SECTION 202 DEFINITIONS (CONTINUED)

FLOOR SPACE - The sum of the gross horizontal areas of the floor or floors of a building, which are enclosed and usable for human occupancy, or the conduct of business. Said areas shall be measured between the outside face of exterior walls or from the center -line of walls separating 2 uses. Said areas shall not include areas below the average level of the adjoining ground, garage space or accessory building space.

FULL FOUNDATION ~~H~~ – A continuous masonry substructure of a dwelling or the supporting part or member of a wall or structure, including the base course or footing courses in a dwelling unit, the whole structure being masonry, i.e. stone, poured concrete, pre-cast concrete, concrete block, eight inches (8") thick and shall be placed on a concrete footer, to wit: equal to the thickness of the wall in depth by twice the width of the wall width, a minimum of thirty six inches (36") below grade or below the frost line whichever is deeper. Provider, however, a mobile home or double wide dwelling unit supported by piers a minimum of thirty six inches (36") below grade or below frost line which greater, with NYS Building Code complying tie downs and not by the foundation walls may substitute a poured, pre-cast or masonry curtain wall a minimum six inches (6") thick on the footer the top of such wall about the bottom of the outside wall of the dwelling unit.

GARAGES, PRIVATE - A secondary building used in conjunction with a primary building which primarily provides for the storage of motor vehicles and in which no occupation, business or services for profit are carried on.

GARAGES, PUBLIC - Any garage other than a private garage operated for gain available on a rental basis for the storage of motor vehicles including the supply of gasoline and oil.

GAS STATION - The retail sale of fuel and related oil products as well minor service repairs and routine maintenance to include oil and tire changes.

GENERAL RETAIL BUSINESS - See Retail Business.

GENERAL SERVICE BUSINESS - See Service Business.

GENERAL WHOLE BUSINESS - See Wholesale Business.

GRAVEL PIT/QUARRY/SAND PIT - A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or top soil for sale, as an industrial operation and exclusive of the process of grading a lot preparatory to the construction of a building for which application for building permit has been made.

ARTICLE II INTERPRETATIONS AND DEFINITIONS
SECTION 202 DEFINITIONS (CONTINUED)

HEAVY VEHICLES - Commercial trailers, semi-trailers or any vehicle or truck with tandem axles which is subject to vehicle regulations and state inspections for use on public highways.

HEIGHT - The vertical distance from the highest point on a structure (except chimneys and other items listed in Article V, Section of "Height") to the average ground level of grade where the wall or other structural elements intersect the ground.

HOME OCCUPATION - A use conducted within a dwelling and carried on by the habitants thereof, the character of the residence or neighborhood. Home occupations shall meet all conditions specified in the section on Home Occupations.

HORTICULTURE - Private- The growing of fruits, flowers or ornamental plants for ones own pleasure and use. Also referred to as a private garden.

HOUSEHOLD SALE - Household sale for the purposes of this law shall include lawn sales, patio sales, garden sales, basement sales, flea markets, bazaar or other similar types of sales. A household sale shall be distinguished from a business in that it involved the infrequent sale of used merchandise which, for private sales, was NOT obtained from outside the household. Nonprofit or fraternal organizations on the other hand may obtain their sale items from donations received from members or other sources.

HOUSING, ELDERLY - Apartments containing eating, sleeping and living space and designed with elderly fully independent residents in mind. Generally, these apartments contain smaller than normal floor space, require less parking and less active recreational are. Additionally, common eating areas are sometimes provided.

INDUSTRY, GENERAL – The manufacture, preparation, processing, milling or repair of any article, substance or commodity and which involves no dangerous or toxic product or emissions. Additionally, noise, colors or other nuisance's incidental to productions and processing shall be limited to a level, which does not effect the use or the enjoyment of property outside of the Industrial District.

JUNK MOTOR VEHICLE - A motor vehicle (excluding farm vehicle) which is not intended for or in condition for legal use on public highways or which is in the process of being dismantled.

JUNK YARD – See definitions of Scrap Yards and Vehicle Dismantling Yards.

KENNEL @ - Any premises housing or harboring five (5) or more dogs or cats over six (6) months of age for any purpose.
LARGE GROUP – Any gathering of 300 or more people occurring on a non-regular basis and involving either the charging of a fee or request for a donation or sale of products or services.

ARTICLE II INTERPRETATIONS AND DEFINITIONS
SECTION 202 DEFINITIONS (CONTINUED)

LIMITED BUSINESS/INDUSTRY – See Business/Industry, Limited.

LOADING SPACE – Space logically and conveniently located exclusively for bulk pickups and deliveries at commercial structures.

LOT – A parcel of land occupied, or designed to be occupied by 1 building and the accessory buildings or uses customarily incidental to it, including such open space as are required by this Zoning Law.

LOT, COVERAGE – The percentage of the lot, which is devoted to building area. District regulations refer to the maximum percentage of the lot area devoted to building area.

LOT, SIZE – An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres.

LOT LINE – Any line dividing 1 lot from another.

LOT WIDTH – The horizontal distance between the side lot lines measured at right angles to its depth at the building line.

MANUFACTURED HOME – A general category of housing construction denoting single-family detached or attached multiple-family dwelling units, which are partially or totally constructed away from the site where they are to be placed of occupancy. Included in this category are mobile homes, modular housing and panelized (prefabricated) housing.

MOBILE DWELLING UNIT – See Dwelling Unit (same as Mobile Home).

MOBILE HOME – See Dwelling Unit.

MOBILE HOME PARK – A parcel of land upon which 2 or more mobile homes are set up for living purposes.

MODULAR DWELLING UNIT – See dwelling Unit.

MOTOR HOMES – A self-propelled, relatively small temporary living quarter generally used as mobile vacation homes. Motor homes generally have self-contained, independent utility systems.

ARTICLE II INTERPRETATIONS AND DEFINITIONS
SECTION 202 DEFINITIONS (CONTINUED)

MOTOR VEHICLE – Every vehicle operated, driven or capable of being operated or driven upon a public highway by any power other than muscular power. For the purposes of this law, "motor vehicle" shall not include tractors used exclusively for agricultural purposes, self-propelled harvesting machines and self-propelled caterpillar-or-crawler-type equipment. For the purposes of this law, the term "motor vehicle" shall include motorcycles, buses and recreational vehicles.

MOTOR VEHICLE SERVICE STATION – Any area of land, including structures therein, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories and which may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means, body, fender work or the dismantling or replacing of engines.

MULTIPLE DWELLING – Three or more single-family dwelling units existing in one building.

MUNICIPALITY – Shall mean the Town of Stockton.

NACELLE⊕ - The portion of the wind turbine that connects the rotor to the support tower and houses the generator, gearbox, drive train and braking system.

NATURAL GAS COMPRESSOR – Any mechanical equipment utilized to cause the movement of natural gas through a transmission line system.

NON-CONFROMING USE – That use of a building, structure or land legally existing at the time of enactment of this Zoning Law or amendment thereto, and which is not one of those permitted in the district in which it is suited.

NUISANCE – A violation of this Law caused by an offensive, annoying, unpleasant or obnoxious use of characteristics of said use which produces effects of such nature or degree that they are detrimental to the health, safety, general welfare, property values, ect., thus resulting in harm or injury to adjacent or nearby properties. Common examples include excessive odors, noise, smoke, vibration, light, runoff, traffic, development density, and electronic interference, ect.

NURSING HOME – Also referred to as a convalescent home, it includes buildings where, for a fee, non-ambulatory residents are provided full-time convalescent or chronic care by skilled nurses in addition to room and board. No care for the acutely ill is provided and thus, clearly hospitals and mental health centers are not considered as a nursing home.

NURSERY – (for children)- See Day Care Center.

ARTICLE II INTERPRETATIONS AND DEFINITIONS
SECTION 202 DEFINITIONS (CONTINUED)

OFFICE – A place which is used to conduct a business or profession and is occupied by a physician, surgeon, dentist, lawyer or person providing similar services or in whose office functions of consulting, record keeping and clerical work are performed.

OPEN SPACE – Common, public or private greens, parks or recreation area, including playgrounds, woodland conservation areas, walkways, trails, stream crossings and drainage control areas, golf courses, swimming pools, tennis courts, ice skating rinks and other similar recreational uses, but which may not include any such uses or activities which produce noise, glare, odor, air pollution, fire hazards or other safety hazards, smoke fumes or any use or activity which is operated for a profit or other things detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.

PANELIZED – See Dwelling Unit, Prefabricated.

PARKING SPACE - A required off-street parking space. (See Supplemental Section)

PERMIT – Written permission issued by the appropriate Municipal Board/ Officer authorizing the use of occupancy of lots or structures. Permits are issued for which are permitted by the Zoning Law where all conditions required by the Law can be met for the district where the lot/structure is located. The relocation, enlargement, alteration or other change of use shall require the issuing of a permit.

PLANNING BOARD – Refers to the Municipal Planning Board unless otherwise indicated.

PORCH – A roofed open structure projecting from an outside wall of a structure without any form of enclosure. Screens used as insect barriers are permissible and shall not cause the porch to be considered to be an enclosure.

POUND @ - A facility operated by the state or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted animals.

PRECUT – See Dwelling Unit, Conventional.

PREFABRICATED DWELLING UNIT – See Dwelling Unit.

PRE-EXISTING USE – Any use, either conforming or non-conforming with this Law that is legally existing at the enactment date of this Law.

PRINCIPAL USE – The main use of land or buildings as distinguished from subordinate or accessory use.

ARTICLE II INTERPRETATIONS AND DEFINITONS
SECTION 202 DEFINITIONS (CONTINUED)

PRIVATE CAMP – A parcel of land on which a travel trailer, tent, cabin or other structure is present for use on a seasonal basis for leisure or recreation purposes. (See Supplemental Section.)

PROFESSIONAL – Any person with an advanced college degree who possesses a license to practice. This includes but is not limited to doctors, lawyers. CPA's, engineers, ect.

PUBLIC – Owned, operated or controlled by a governmental agency (Federal, State or Local) including a corporation created by law for the performance of certain specialized governmental functions, a public school district or service district.

RECREATION, COMMERCIAL – Recreational facilities operated as a business and open to the general public for a fee. Includes only those facilities, which can confine noise, lights and other potential nuisances to their own premises. Recreational facilities shall include but not be limited to golf courses, ice skating rinks and swimming pools.

RECREATIONAL VEHICLE – A vehicle primarily designed as temporary living quarters for recreational, travel or camping use, which either has its own mode of power or is drawn by another vehicle.

RECYCLABLE @ - A waste product capable of being reused or transformed into a new product.

RECYCLE @ - The process by which waste products re reduced to raw materials and transformed into new and often different products.

RECYCLING CENTER @ - A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

RECYCLING COLLECTION POINT @ - An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclables.

RECYCLING PLANT @ - A facility in which recyclables, such as newspapers, magazines, books and other paper products, glass, metals, cans and other products are

REGULAR FLOOD INSURANCE OR REGULAR PROGRAM – The permanent program which is entered only after detailed flood information is provided by the Federal Insurance Administration (e.g.) (Flood way/Flood way Fringe Area, Flood Insurance Map). recycled, reprocessed and treated to return such products to a condition in which they may again be used in new products.

ARTICLE II INTERPRETATIONS AND DEFINITONS
SECTION 202 DEFINITIONS (CONTINUED)

RESICEDENCE, SINGLE-FAMILY DETACHED – A detached building designed to contain 1 dwelling unit.

RESIDENCE, TWO-FAMILY DETACHED – Either of the following:

A. A building having 2 side yards and accommodating but 2 dwelling units; or
B. A detached building containing 2 dwelling units separated by a party wall, each having 1 side yard.

RESIDENTIAL CONVERSIONS – The creation of 1 or more additional dwelling units within existing residential structure in accordance with conditions set forth in this Law.

REST HOME – These facilities provide sleeping rooms for ambulatory (able to walk) residents. Generally, rest homes have common eating areas and provide minimal medical aid to residents. Only incidental convalescent care is provided which does not involve either trained nurses, physical therapy or other activities provided in a hospital or nursing home.

RETAIL BUSINESS - GENERAL – For the purpose of this Law, whenever a general retail business is listed as an allowed use, it shall signify that any retail which has a minimal negative impact and can meet the conditions specified in this Law, shall be allowed in addition to the specific retail uses as being allowed.

RIDING ACADEMY – Any establishment where horses are kept for compensation. Riding academies shall be suited on a minimum of 10 acres of land and only in districts where allowed.

ROAD FRONTAGE @ - The distance measured along the centerline of a traveled roadway or the edge of a dedicated highway.

ROAD-SIDE STAND – A structure (either enclosed or open), a booth or transportable vehicle, the purpose of which is the sale of produce and other farm products to the general public. Roadside stands are located along a roadway in such a manner as to provide safe and convenient off-street parking. All conditions specified in this Law must be met.

SAWMILL – Commercial facility containing sawing and planning equipment utilized for the preparation of dimensional lumber used for construction.

SCRAP YARD – Any place of storage of deposit of more than 100 square feet, usually of a commercial nature, where wood, metals, glass, rags, ect, are held whether for the purpose of disposal, reclamation, recycling or resale of such, including establishments having facilities for processing iron, steel and nonferrous scrap for re-melting purposes.
SECTION – Unless otherwise noted section and section numbers shall refer to this Law.

ARTICLE II INTERPRETATIONS AND DEFINITONS
SECTION 202 DEFINITIONS (CONTINUED)

SEMI-PUBLIC – Places of worship, institutions for the aged and children, nurseries. Non-profit colleges, hospitals, libraries, cemeteries and institutions of the philanthropic nature, also open space.

SETBACK @ - The distance measured from the centerline of a traveled highway to a structure, sign, ect.

SERVICE BUSINESS, GENERAL – For the purpose of this Law, whenever a general service business is listed as an allowed use, it shall signify that any business which has a minimal negative impact and can meet the conditions specified in this Law, shall be allowed in addition to the specific service uses listed as being allowed.

SHOOTING RANGE, COMMERCIAL - The parcel(s) of land used for discharging of firearms with the intent to hit any object (moving or stationary) other than live game, by any person who pays a fee (e.g.) membership fees, shooting fee, ect, to use said facilities. Commercial shooting ranges include, but are not limited to non-profit clubs (skeet club, ect.) and profit motivated business.

SHOPPING CENTER – A group of commercial establishments occupying adjoining structures all of which may be deemed as 1 building and normally owned/managed as 1 unit. Off-street parking as well as loading/unloading facilities are provided as an integral part of the unit.

SIGN – Any structure or part thereof, attached thereto, or painted or represented thereon, which shall display or include any letter work, model, banner, flag, pennant, insignia, device of representation used for the purpose of bringing the subject thereof to the attention of the public. The word sign does not include flag, pennant, insignia of any nation, state, city or political, educational, charitable, philanthropic, civic, professional, religious or like organization or the property thereof.

SIGN AREA – The area designed by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed, 4-sided (straight sides) geometric shape which most closely outlines the said sig. Only 1 side of the sign shall be used in measuring the area.

SIGN, ADVERTISING – A sign which offers services or goods produced or available somewhere other than on which the sign is located. The words "advertising sign" include the word "billboard". Neither directional warning nor other signs posted by public officials in the course of their public duty shall be construed as advertising signs.

SIGN, BILLBOARD – Any sign with a total area larger than that permitted by sign regulations of this Law for the district in which the billboard either exists or is proposed to be located in.

ARTICLE II INTERPRETATIONS AND DEFINITONS
SECTION 202 DEFINITIONS (CONTINUED)

SIGN, BUSINESS – A sign for permitted use conducted on the premises which shall identify the written name and/or the type of business and/or trademark of an article for sale or rent on the premises pr otherwise call attention to a use conducted on the premises.

SIGN, DIRECTIONAL – A sign which identifies an attraction or activity and provides directional information useful to the traveler in locating the attraction, such as mileage route numbers, ect.

SIGN, IDENTIFICATION – A sign permitted use conducted on the premises for articles sold or distributed by that use, or displaying the name of the premises.

SIGN, INSTRUCTIONAL – A sign conveying instructions with respect to the use of the premises, or a portion of the premises on which it is maintained, or a use or practice being conducted on the premises.

SIGN, NAMEPLATE - Any sign attached directly to the wall of a building occupied by the person to whom such a sign indicated the name, occupation and/or address of the occupant. A nameplate shall not be over 2 square feet in size.

SIGN, PUBLIC – Those signs erected to direct flow, speed and direction of traffic, effect the general public safety or name streets and buildings.

SIGN, TEMPORARY – A sign which offers premises for sale, rent or development, or announces special events or calls attention to new construction or alteration, or offers a sale of seasonal garden produce, garage, household, porch items or signs of similar nature, or political signs. Temporary status of signs will expire after 6 months.

SITING AGENCY⊕ - The applicant, person or persons who are applying to site a wind energy deriving tower facility.

SOLAR STRUCTURE – Any structure containing either a passive or active heat storage device, which is dependent on direct contact with the sun in order to operate. Said heat storage devices are commonly used to heat totally or partially, water, rooms, ect.

SPECIAL USE PERMIT – A special use permit deals with special permission, granted by only the Permitting Board after a public hearing to occupy the land for specific purposes when such use is not permitted by right, but is listed as permitted by Special Use Permit.

SPECIAL FLOOD HAZARD AREA – Means that a maximum area of the flood years (i.e.) that has a 1% chance of being flooded each year – "100-year flood".

ARTICLE II INTERPRETATIONS AND DEFINITONS
SECTION 202 DEFINITIONS (CONTINUED)

STORAGE STRUCTURE – Any constructed combination of materials located or attached to the ground utilized for non-inhabited storage purposes. Used trucks and similar motor vehicles shall not be utilized as storage structures. For the purposes of this Law, storage structures shall be less than 150 square feet with larger structures considered to be customary accessory uses.

STOREFRONT AREA – That area of the front of a building associated with the first floor only. For businesses located above the first floor, the storefront area shall be calculated based on the ground floor entrance only.

STORY – That portion of a building, excluding attics and cellars, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF – A story under a gable, hip or gambrel roof, the wall plates of which, on at least 2 opposite exterior walls, are not more than 2 feet above the floor of such story.

STRUCTURE – A building constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Mobile homes are not considered to be structures for the purpose of this Law. (A mobile home is considered to be a structure under the Flood Insurance Program).

SUBSTANTIAL IMPROVEMENT – Means any repair, construction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration effects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with the existing state or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a Safety Inventory of Historic Places.

SWIMMING POOL – Any man-made receptacle for water (except farm ponds), located above or below ground, designed for a capacity of 3' and greater in depth at any point and intended to be used for swimming.

TELECOMMUNICATION FACILITIES * - Towers and/or antennas and accessory structures together used in connection with the provision of cellular telephone service, personal communication services (PCS), paging services, radio and/or television broadcast services, microwave transmission and/or similar or like broadcast services.

ARTICLE II INTERPRETATIONS AND DEFINITONS
SECTION 202 DEFINITIONS (CONTINUED)

TEMPORARY DWELLING UNIT – Dwellings intended for temporary occupancy and including but not limited to, cabins, travel trailers, motor homes, truck campers and tents. Persons residing in temporary dwelling units generally do not include those residing in the primary dwelling unit located on the parcel.

TEMPORARY USE – An activity conducted within a structure of on a tract of land for a specific limited period of time which may not otherwise be permitted by the provision of this Law. For example, a building used in conjunction with new construction which would be removed upon completion of the word.

TOWER * – A structure designed to support antennas. It includes without limitation freestanding towers, guyed towers, monopoles and similar structures, which do, or do not employ camouflage technology.

TOWER HEIGHT * - Vertical distance from normal ground level to the highest point of the antenna.

TOWER FACILITY⊕ - site where one or more wind energy conversion systems or wind turbines will be located, including all accessory facilities or equipment.

TOWN HOUSE – A dwelling unit designed to be occupied as a residence for 1 family and 1 group of 3 or more attached dwelling, placed side by side, separated by part walls, each containing 1 or 2 stories, and each having separate front and rear, or side entrances from the outside.

TRACT – A large piece of land under single ownership.

TRASH ~~H~~- Glass, scrap metals, salvaged metals, rags, refuse, garbage, wastepaper, salvaged machines, appliances or similar materials but not to include woodpiles, lumber, building materials, compost or used farm machinery.

TRAVEL TRAILER/CAMPER – A relatively small temporary living quarter designed to be hauled behind a vehicle. Travel trailers are not designed as a permanent living quarters and generally are used on a seasonal basis. They are supported at all times, primarily by their own wheels. Travel trailers generally have self-contained independent utility systems. See definition of Accessory Dwelling Unit.

TRAVEL TRAILER CAMP/COMMERICAL CAMPGROUND – A parcel of land used or intended to be used, let or rented on a seasonal basis for occupancy by or of travel trailers, motor homes, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

ARTICLE II INTERPRETATIONS AND DEFINITONS
SECTION 202 DEFINITIONS (CONTINUED)

TRIPLEX – A dwelling arranged, intended and designed to be occupied by 3 families living independently or each other.

UNLICENSED MOTOR VEHICLE – Any motor vehicle which has not been licensed with the proper authorities for a period of at least thirty (30) days from the expiration of the last licensing period.

USE – Any purpose, for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE – **A. Use variance**- The authorization by the Zoning Board of Appeals for the use of land purpose which is otherwise not allowed or is prohibited by the applicable zoning requirements.
B. Area Variance- The authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VEHICLE DISMANTLING YARD – Any place or storage of deposit where 2 or more unlicensed, old or secondhand vehicles, no longer intended for or in condition for legal use on public highways are held, whether for resale of parts or materials or used parts and waste materials, which, when taken together equal bulk 2 or more vehicles, shall constitute a vehicle dismantling yard.

VEHICLE REPAIR SHOP – A commercial business operated for profit which repairs or services motor vehicles

WHOLESALE – A business establishment engaged in selling to retailers or jobbers rather than consumers in wholesale lots.

WHOLESALE BUSINESS-GENERAL – For the purpose of this Law, whenever a general wholesale business is listed as an allowed use, it shall signify that any wholesale business which has a minimal negative impact and can meet the conditions specified in this Law, shall be allowed in addition to the specific wholesale uses listed as being allowed

WHOLESALE, LIMITED – A wholesale business with a maximum of 3 employees, no more than 4,000 square feet of floor space and no outside storage.

ARTICLE II INTERPRETATIONS AND DEFINITONS
SECTION 202 DEFINITIONS (CONTINUED

YARD, FRONT - The area extended across the entire width of the lot between the building line and the centerline of the traveled roadway@ into which space there shall be no extension of building partitions or accessory structures. For parcels adjacent to a lake, the front yard shall consist of the land between the primary structure and the public or private roadway serving the property.

YARD, REAR – The area extending across the entire width of the lot between the rear wall of the principal building and rear line of the lot, and unoccupied except for parking, loading and unloading space and garages and carports.

YARD, SIDE – The open area of a lot situated between the sidelines of the building and the adjacent sidelines of the lot.

ZONING BOARD OF APPEALS – Shall mean the Zoning Board of Appeals of the municipality.

ZONING PERMIT – See permit.

ARTICLE III
ESTABLISHMENT OF DISTRICTS

Section 301 – Creation and Enumeration of Districts

For the purpose and provisions of this Local Law, the municipality is hereby divided into the following types of districts.

Residential	R
Agricultural Residential	AR
Agricultural	A
Business	B
Industrial	I
Lakeside	L

Section 302 – Zoning Map

The boundaries of the aforesaid zoning districts are hereby established shown on the map entitled "Zoning District Map of the Town of Stockton, New York, dated December 3, 1993" which map accompanies and is made a part of this Local Law and shall have the same force and effect as if the zoning map, together with all notations, references and other information shown thereon, were fully set forth and described herein. See Zoning Maps pg. 65 A and pg. 65 B.

Section 303 – Interpretation of District Boundaries

Where uncertainty exist with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines, such centerlines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

D. Where the boundary of a district follows a stream, lake or other body of water,said boundary line shall be deemed to be the centerline thereof or the limit of jurisdiction of the municipality.

ARTICLE IV
DISTRICT REGULATIONS

Section 401 – Residential (R) District

A. Purpose – This district is established primarily to provide for the protection of existing neighborhoods from other non-compatible uses. This has a limited supply of vacant land.

B. Area Standards

1. **Lot Size** – The base lot area will be a minimum of one acre. Minimum road
frontage will be 100 feet.

2. **Unit Standards**

Units	Detached Single Family Units		Nonresidential		Attached Multiple Family	
	Primary Use	Accessory Use	Primary Use	Accessory Use	Primary Use	Accessory Use
Minimum Lot Size (Base + square feet per unit	Base				+5000	
Minimum Lot Size Width (Base + feet per unit)	Base		Base		+8	
Maximum Lot cover (% of Lot Area)	25%		25%		30%	
Minimum Front Yard (Feet from the centerline of traveled roadway)@	50@	50@	65@	65@	50@	50@
Minimum Side Yard (Feet)	8	8	20	5	15	5
Minimum Rear Yard (Feet)	35	8	50	5	35	10
Maximum Height (Feet)	30	20	30	20	35	20
Minimum Floor Space (Square Feet)	980@					650

C. Uses – Land Use Matrix Section 407

ARTICLE IV
DISTRICT REGULATIONS (CONTINUED)

SECTION 402 AGRICULTURAL RESIDENTIAL (AR) DISTRCT

A. Purpose – AR Districts are established to provide for a compatible mix of agricultural and residential uses along with a limited number of business uses. Clearly, the intent is to protect and provide agricultural uses and to preserve the rural character of the neighborhood.

B. Area Standards

1. **Lot Size** – The base lot area will be a minimum of one acre. Minimum road
frontage will be 100 feet.

C. Unit Standards

Units	Detached Single Family Units		Nonresidential		Attached Multiple Family	
	Primary Use	Accessory Use	Primary Use	Accessory Use	Primary Use	Accessory Use
Minimum Lot Size (Base + square feet per unit)	Base				+10,000	
Minimum Lot Size Width (Base + feet per unit)	Base		Base		+8	
Maximum Lot Cover (% of Lot Area)			25%			
Minimum Front Yard (Feet from the centerline of traveled roadway)@	65@	65@	65@	65@	65@	65@
Minimum Side Yard (Feet)	25	10	20	5	30	10
Minimum Rear Yard (Feet)	50	10	20	5	50	
Maximum Height (Feet)	30	20	30	20	30	20
Minimum Floor Space (Square Feet)	980@				650	

C. Use – See Land Use Matrix Section 407

ARTICLE IV
DISTRICT REGULATIONS (CONTINUED)

SECTION 403 AGRICULTURAL (A) DISTRICT

A. Purpose – Ag Districts are primarily agricultural lands with scattered large lot residential units. Municipal utilities are to be discouraged in these districts. Some commercial development is allowed along with recreational facilities.

B. Area Standards

1. **Lot Size** – The base lot area will be a minimum of one acre. Minimum road
frontage will be 100 feet.

2. **Unit Standards**

Units	Detached Single Family Units		Nonresidential		Attached Multiple Family	
	Primary Use	Accessory Use	Primary Use	Accessory Use	Primary Use	Accessory Use
Minimum Lot Size (Base + square feet per unit)	Base				+10,000	
Minimum Lot Size Width (Base + feet per unit)	Base		Base		+10	
Maximum Lot Cover (% of Lot Area)			25%			
Minimum Front Yard (Feet from the centerline of traveled roadway)@	65@	65@	65@	65@	65@	65@
Minimum Side Yard (Feet)	25	10	20	5	30	10
Minimum Rear Yard (Feet)	50	10	50	5	50	20
Maximum Height (Feet)	30	20	40	40	30	20
Minimum Floor Space (Square Feet)	980@				650	

C. Uses – See Land Use Matrix Section 407

ARTICLE IV
DISTRICT REGULATIONS (CONTINUED)

SECTION 404 INDUSTRIAL (I) DISTRICT

A. **Purpose** – The purpose of the Industrial District is to provide for new and expanding non-noxious industry in such a way as to protect nearby residential uses. Undeveloped industrial land may in the interim be utilized for agricultural purposes but new uses are not to be encouraged.

B. **Area Standard**
   1. **Lot Size** – Not less than one acre.

   2. **Unit Standards** – See the General Provisions Article for additional information on Area Standards.

Nonresidential Uses

	Accessory Use	Primary Use
Minimum Lot Size (square feet)		
Minimum Lot Size Width (feet)		
Maximum Lot Cover (% of Lot Area)	30%	
Minimum Front Yard (Feet from the centerline of traveled roadway)@	65@	65@
Minimum Side Yard (Feet)	50	50
Minimum Rear Yard (Feet)	50	50
Maximum Height (Feet)	40	40
Minimum Floor Space (Square Feet)		

C. **Uses** – See Land Use Matrix Section 407

ARTICLE IV
DISTRICT REGULATIONS (CONTINUED)

SECTION 405 BUSINESS (B) DISTRICT

A. **Purpose** – The purpose of the B District is to promote retail and service uses which are vehicle oriented for the use of residents and visitors. At the same time, a major goal is to protect and enhance the community by encouraging aesthetically appealing businesses with safe ingress and egress and prohibiting chaotic strip development.

B. **Area Standards**

1. **Lot Size** – The base lot area will be a minimum of one acre. Minimum road
   frontage will be 100 feet.

2. **Unit Standards**

Units	Detached Single Family Units		Nonresidential		Attached Multiple Family	
	Primary Use	Accessory Use	Primary Use	Accessory Use	Primary Use	Accessory Use
Minimum Lot Size (Base + square feet per unit)	Base				+5,000	
Minimum Lot Size Width (Base + feet per unit)	Base		Base		+8	
Maximum Lot Cover (% of Lot Area)	25%		25%		30%	
Minimum Front Yard (Feet from the centerline of traveled roadway)@	50@	50@	65@	65@	50@	50@
Minimum Side Yard (Feet)	8	8	20	5	15	5
Minimum Rear Yard (Feet)	35	8	50	5	35	10
Maximum Height (Feet)	30	20	30	20	35	20
Minimum Floor Space (Square Feet)	980@				650	

C. **Uses** – See Land Use Matrix Section 407

ARTICLE IV
DISTRICT REGULATIONS (CONTINUED)

SECTION 406 LAKESIDE (L) DISTRICT

A. **Purpose** – The purpose of this district is to promote environmentally responsible lake-oriented uses of a residential nature. Existing or proposed development, recreational or business is protected from most forms of commercial development.

B. **Area Standards**

1. **Lot Size** – The base lot area will be a minimum of one acre. Minimum road
frontage will be 100 feet.

2. **Unit Standards**

Units	Detached Single Family Units		Nonresidential		Attached Multiple Family	
	Primary Use	Accessory Use	Primary Use	Accessory Use	Primary Use	Accessory Use
Minimum Lot Size (Base + square feet per unit)	Base				+5,000	
Minimum Lot Size Width (Base + feet per unit)	Base		Base		+8	
Maximum Lot Cover (% of Lot Area)	25%		25%		30%	
Minimum Front Yard (Feet from the centerline of traveled roadway)@	50@	50@	65@	65@	50@	50@
Minimum Side Yard (Feet)	15	15	20	15	15	15
Minimum Rear Yard (Feet)	35	8	50	5	35	10
Maximum Height (Feet)	30	20	30	20	35	20
Minimum Floor Space (Square Feet)	980@				650	

C. **Use** – See Land Use Matrix Section 407

ARTICLE IV
SECTION 407 LAND USE MATRIX

DISTRICTS	**R**	**AR**	**A**	**I**	**B**	**L**
A. RESIDENTIAL						
1. Single Family dwelling detached	R	R	R	UNA	R	R
2. Mobile Homes						
Single Wide>	R ǂ	R ǂ	R ǂ	UNA	R ǂ	R ǂ
Double Wide>	**UNA>**	R ǂ	R ǂ	UNA	**UNA>**	R ǂ
3. Boarding Houses	R ǂ	R ǂ	R ǂ	UNA	UNA	R ǂ
4. Homes for the Aged	UNA	S	S	UNA	S	S
5. Nursing Home/Rest Home	S	S	S	UNA	S	S
6. Accessory Apartment	S	S	S	UNA	S	S
7. Duplex – Attached	S	R	R	UNA	R	R
8. Multiple Dwellings - Attached	R	R	R	UNA	R	R
9. Mobile Home Parks	S	S	S	UNA	S	S
10. Cluster Residential Development	UNA	S	S	UNA	UNA	UNA
11. Residential Conversions	S	S	S	UNA	S	S
	S	S	S	UNA	S	S
DISTRICTS						
B. AGRICULTURAL & AGRI-BUSINESS	**R**	**AR**	**A**	**I**	**B**	**L**
1. Agricultural Land Use	UNA	N	N	N	UNA	UNA
2. Agricultural Buildings	UNA	R	R	UNA	UNA	R
3. Limited Agricultural	UNA	N	N	N	UNA	N
4. General Agricultural Business	UNA	N	N	N	UNA	N
5. Animal Farms (mink, ect.)	UNA	N	N	N	UNA	N
6. Sawmill – Commercial	UNA	S	S	S	UNA	UNA
7. Winery	UNA	S	S	S	S	UNA
8. Horticulture - Private	N	N	N	N	N	N
9. Nursery/Greenhouse Commercial	S	S	N	UNA	S	S
10. Roadside Stand - General	UNA	R	R	R	R	R
11. Road Stand - Limited	N	N	N	N	N	N
12. Blacksmith Shop	UNA	S	R	UNA	UNA	UNA
13. Fruit Processing Plant	UNA	UNA	S	S	UNA	UNA

LEGEND:

By Right – **R** (Permit Required –No Hearing)
Special Use Permit – **S** (Permit and Hearing Required)
No Permit – **N** (No Permit Required)
Use Not Allowed – **UNA**

ARTICLE IV
SECTION 407 LAND USE MATRIX (CONTINUED)

DISTRICTS	R	AR	A	I	B	L
C. BUSINESS - RETAIL						
1. General Retail Store	UNA	S	S	UNA	S	UNA
2. Limited Retail Store	R	R	R	UNA	R	R
3. Household Sale (Garage Sale)	N	N	N	N	N	N
4. Antique Shop	R	R	R	UNA	R	R
5. Limited Antique Shop	R	R	R	UNA	R	R
6. Bakery Shop	R	R	R	UNA	R	R
7. Catalog Store	R	R	R	UNA	R	R
8. Drug Store	S	R	R	UNA	R	R
9. Shopping Center Mall	UNA	UNA	S	UNA	S	UNA
10. Florist Shop	R	R	R	UNA	R	R
11. Food Supermarket	UNA	S	S	UNA	S	UNA
12. Corner Grocery Store	S	R	R	UNA	R	S
13. Gift Shop	R	R	R	UNA	R	R
14. Monument Sales	R	R	R	R	R	R
15. News Stand	S	R	R	UNA	R	R
16. Liquor Store	S	R	R	UNA	R	R
17. Building Materials Store	UNA	R	R	R	R	UNA
18. Mobile Home/Trailer/Sales	UNA	UNA	R	R	R	UNA
19. Vehicle Service Station	UNA	R	R	R	R	UNA
20. Auto Sales/Used Car Lot	UNA	UNA	R	R	R	UNA
21. Farm Machinery/Implements Store	UNA	R	R	R	R	UNA
22. Department/Variety Store	R	R	R	UNA	R	R
23. Feed & Seed Shop	UNA	R	R	R	R	UNA
24. Furniture Appliance Store	UNA	R	R	R	R	UNA
25. Hardware/Glass/Paint Store	UNA	R	R	R	R	UNA
26. Pet Store	UNA	R	R	UNA	R	UNA
27. Plumbing/Heating Store	UNA	R	R	R	R	UNA
28. Rental Store	UNA	R	R	R	R	UNA

LEGEND:

By Right –	**R** (Permit Required – No Hearing)
Special Use Permit –	**S** (Permit & Hearing Required)
No Permit –	**N** (No Permit Required)
Use Not Allowed –	**UNA**

ARTICLE IV
SECTION 407 LAND USE MATRIX (CONTINUED)

DISTRICTS	R	AR	A	I	B	L
D. BUSINESS - SERVICE						
1. General Service Shop	UNA	R	R	R	R	UNA
2. Limited Service Shop	R	R	R	R	R	R
3. Professional/Business Office	R	R	R	R	R	R
4. Limited Professional/Business Office	R	R	R	R	R	R
5. Bank	UNA	R	R	R	R	UNA
6. Photography Studio	R	R	R	R	R	R
7. Limited Photography Studio	R	R	R	R	R	R
8. Funeral Home	R	R	R	R	R	R
9. Realty Office	R	R	R	R	R	R
10. Limited Realty Office	R	R	R	R	R	R
11. Laundry & Dry Cleaning Shop	S	R	R	R	R	UNA
12. Barber/Beauty Shop	R	R	R	R	R	R
13. Limited Barber/Beauty Shop	R	R	R	R	R	R
14. Restaurant	S	R	R	R	R	S
15. Truck Terminal	UNA	UNA	R	R	UNA	UNA
16. Drive- In Business	UNA	S	R	R	R	UNA
17. Bar	UNA	S	S	S	S	S
18. Hotel/Motel	UNA	S	R	UNA	R	S
19. Locksmith Shop	UNA	R	R	R	R	UNA
20. Auto Body Repair Shop	UNA	UNA	S	S	S	UNA
21. Vehicle Repair Shop	UNA	S	S	S	S	UNA
22. Building Contractor Business	UNA	S	R	R	R	UNA
23. Custom Workshop	S	R	R	R	R	S
24. Limited Custom Shop	R	R	R	R	R	R
25. Appliance Repair Shop	UNA	R	R	R	R	UNA
26. Limited Appliance Repair Shop	R	R	R	R	R	R
27. Kennel Business	UNA	S	S	S	S	UNA
28. Animal Shelter	UNA	S	S@	S@	S@	UNA
29. Animal Hospital	UNA	S	R	R	R	UNA
30. Car Wash	UNA	R	R	R	R	UNA
31. Boat Storage Business	UNA	R	R	R	R	R

LEGEND:

By Right –	**R** (Permit Required – No Hearing)
Special Use Permit –	**S** (Permit and Hearing Required)
No Permit –	**N** (No permit Required)
Use Not Allowed –	**UNA**

ARTICLE IV
SECTION 407 LAND USE MATRIX (CONTINUED)

DISTRICTS	R	AR	A	I	B	L
E. WHOLESALE						
1. Wholesale Business-Warehouse	UNA	S	S	S	S	UNA
2. Limited Wholesale Business-Warehouse	UNA	S	S	S	S	UNA
3. Storage of Material/Fuel Warehouse	UNA	S	S	S	S	UNA
F. OTHER BUSINESS						
1. Home Occupation General	S	R	R	UNA	R	S
2. Limited Home Occupation	R	R	R	UNA	R	R
3. Customary Home Occupation	R	R	R	UNA	R	R
G. INDUSTRY, LIGHT						
1. General Limited Industry	UNA	S	R	R	R	UNA
2. Electronic & Small Parts Manufacturing	UNA	S	R	R	R	UNA
3. Lab & Research (Commercial)	UNA	S	R	R	R	UNA
4. Gravel & Sand Operation	UNA	S	S	UNA	UNA	UNA
5. Gas/Oil Well	UNA	R	R	R	UNA	UNA
6. Gas Compressor	UNA	UNA	S	UNA	UNA	UNA
H. INDUSTRY, HEAVY						
1. General Heavy Industry	UNA	UNA	S	R	UNA	UNA
2. Manufacturing General	UNA	UNA	S	R	UNA	UNA
3. Manufacturing of Food Products	UNA	UNA	S	R	UNA	UNA
4. Vehicle Dismantling Yard	UNA	UNA	UNA@	UNA@	UNA	UNA
5. Machine Shop	UNA	S	R	R	UNA	UNA
6. Junk/Scrap Yard	UNA	UNA	UNA	UNA	UNA	UNA
7. Mill Structure	UNA	S	R	R	UNA	UNA
8. Recycling/Salvage/Scrap Metal/ Processing Yards	UNA	UNA	S	S	S	UNA
I. ESSENTIAL SERVICES						
1. Utilities (Public) (e.g. Water)	UNA	S	R	R	UNA	UNA
2. Utilities (Quasi Public) (e.g. Telephone)	UNA	S	R	R	UNA	UNA

LEGEND:

By Right –	**R** (Permit Required – No Hearing)
Special Use Permit –	**S** (Permit and Hearing Required)
No Permit –	**N** (No Permit Required)
Use Not Allowed –	**UNA**

ARTICLE IV
SECTION 407 LAND USE MATRIX (CONTINUED)

DISTRICTS	R	AR	A	I	B	L
J. PUBLIC & OFFICE QUASI-PUBLIC USE						
1. Municipal Office	R	R	R	R	R	UNA
2. School – Public/Private	R	R	R	UNA	R	S
3. Landfill	UNA	UNA	UNA	UNA	UNA	UNA
4. Airport/Air strip/Heliport	UNA	S	S	S	UNA	UNA
5. Day Care Center	R	R	R	UNA	R	R
6. Library	R	R	R	UNA	R	R
7. Church/Rectory	R	R	R	UNA	R	R
8. Fraternal Meeting Facility	UNA	S	S	UNA	S	S
9. Large Group Gathering	R	R	R	UNA	R	R
10. Cemetery/Crematory	UNA	R	R	UNA	UNA	UNA
11. Museum - Gallery	S	R	R	UNA	R	R

LEGEND:

By Right – **R** (Permit Required – No Hearing)
Special Use Permit – **S** (Permit and Hearing Required)
No Permit – **N** (No Permit Required)
Use Not Allowed - **UNA**

ARTICLE IV
SECTION 407 LAND USE MATRIX (CONTINUED)

DISTRICTS	R	AR	A	I	B	L
K. RECREATION &ENTERTAINMENT						
1. Public Park	R	R	R	UNA	R	R
2. Golf Course- Private/Public	UNA	S	S	UNA	UNA	S
3. Tennis Court- Private	N	N	N	UNA	N	N
4. Tennis Court- Public	N	N	N	UNA	N	N
5. Commercial Recreation	UNA	S	S	UNA	S	UNA
6. Amusement Park	UNA	UNA	S	UNA	S	UNA
7. Boathouse/Dock/Pier- Public	UNA	UNA	UNA	UNA	S	UNA
8. Swimming Pool- Private	R	R	R	UNA	R	R
9. Swimming Pool- Public	R	R	R	UNA	R	R
10. Marina/Tackle Shop	UNA	UNA	UNA	UNA	R	R
11. Riding Academy/Stable	UNA	R	R	UNA	UNA	UNA
12. Cabins/Cottages- Commercial	UNA	UNA	R	UNA	R	UNA
13. Ski Area- Commercial	UNA	S	S	UNA	S	UNA
14. Recreation Camp- Private	R	R	R@	R	R@	R
15. Recreation Camp- Public/Quasi Public	UNA	UNA	S	UNA	S	UNA
16. Hunting Camp/Private Cabin	UNA	S*	S*	UNA	UNA	UNA
17. Travel Trailer Park- Commercial	UNA	S	UNA	S	UNA	UNA
18. Theater	S	S	S	UNA	S	UNA
19. Carnival/Circus- Temporary	UNA	S	S	UNA	S	UNA
20. Rifle Range/Skeet/Gun Club	UNA	S	S	UNA	UNA	UNA
21. Electronic Game Room	UNA	S	S	UNA	S	S
22. Tent Meeting	R	S	S	UNA	S	S
L. CONSERVATION						
1. Wildlife Habitat	UNA	N	N	UNA	N	UNA
2. Forestry/Lumbering/Reforestation	UNA	N	N	UNA	UNA	UNA
3. Game Farm/Fish Hatchery/Preserve	UNA	N	N	UNA	UNA	UNA
4. Windmills- Private	UNA	R	N	UNA	UNA	UNA
5. Solar System	N	N	N	N	N	N
6. Toxic Waste Storage	UNA	UNA	UNA	UNA	UNA	UNA
7. Pond	UNA	N	N	N	UNA	UNA
8. Topsoil Removal	UNA	S	S	S	UNA	UNA

LEGEND:

By Right – **R** (Permit Required – No Hearing)
Special Use Permit – **S** (Permit and Hearing Required)
No Permit – **N** (No Permit Required)
Use Not Allowed – **UNA**

ARTICLE IV
SECTION 407 LAND USE MATRIX (CONTINUED)

DISTRICTS M. MISCELLANEOUS	R	AR	A	I	B	L
1. Outdoor Storage – Recreational Vehicle	N	N	N	N	N	N
2. Garage Accessory	R	R	R	R	R	R
3. Parking – Commercial Lot	UNA	UNA	UNA	S	S	S
4. Parking - Private	N	N	N	N	N	N
5. Private Boathouse	UNA	UNA	UNA	UNA	R	UNA
6. Storage Structure (Over 150')	S	R	R	R	R	S
7. Temporary Signs	S	R	R	R	R	R
8. Signs	R	R	R	R	R	R
9. Farm Animals (Non Commercial)	S	N	N	UNA	S	UNA
10. Unregistered Vehicles – Private Property	N	N	N	N	N	N
11. Open Porch/Dock	R	R	R	UNA	R	R
12. Trash – Private Property	N	N	N	N	N	N
13. Load/Unload Facility	UNA	N	N	N	N	UNA
14. Fences/Walls	R	R	R	R	R	R
15. Heavy Vehicle Parking	UNA	N	N	N	N	UNA
16. TV Dish Antenna	S	R	R	R	R	R
17. Temporary Mobile Home	S	R	R	R	R	R
18. Towers – private/ Commercial	S@	S@	S@	S@	S@	S@
19. Demolition	UNA	UNA	UNA	UNA	UNA	UNA
20.Heating Fuel Tank/Oil/Propane	N	N	N	N	N	N
21. Gasoline/Volatile Fuel Tank (300 Gal. Maximum)	UNA	N	N	N	UNA	UNA
22. Trailers/School Buses/Semi Trailers Used for Storage	UNA	UNA	UNA	UNA	UNA	UNA
23. Telecommunications Facilities	S	S	S	S	S	S
24. Wind Energy Conversion Systems	UNA⊕	S⊕	S⊕	UNA⊕	UNA⊕	UNA⊕

LEGEND:

By Right – **R** (Permit Required – No Hearing)
Special Use Permit – **S** (Permit and Hearing Required)
No permit – **N** (No Permit Required)
Use Not Allowed - **UNA**

ARTICLE V - GENERAL PROVISIONS

SECTION 501 - ACCESS TO PUBLIC STEEET

Except as otherwise provided in this Local Law, every building shall be constructed or erected upon a lot or parcel of land, which abuts upon a public street unless a permanent public easement of access to a public street was of record prior to adoption of this Law. However, this shall not preclude the creation of a private road on a 50-foot right-of-way, which connects to a public road and serves 1 or more subdivided lots. Upon request from a developer, landowner(s), ect, the Municipal Board shall consider the takeover of a private roadway, but only after assurances are received by all involved parties that the roadway will be constructed to standards specified by the municipality. The municipality is no way obligated to take over any road, even if it meets specified road construction standards.

SECTION 502 – CONTIGUOUS PARCELS

When 2 or more parcels of land are contiguous and are held in1 ownership, they may be used as 1 building lot. In this case, side yard and rear yard setbacks shall be required only from perimeter boundary lines and not shared interior parcel boundary lines. See General Provisions on Existing Substandard Sized Lots.

SECTION 503 – CORNER LOTS

Both street sides of a corner lot shall be treated as front yards in the application of bulk and area requirements and parking. Additionally, the remaining 2 yards shall be considered to be side yards and as such shall meet minimum side requirements.

SECTION 504 – HEIGHT

A. The height limitation of this Law shall not apply to church spires, belfries, cupolas, silos, penthouses (equipment building on flat roof) and dooms, not used for human occupancy; nor to chimneys, ventilators, skylights, windmills, water tanks, similar features and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to height as is necessary to accomplishment the purpose they are to serve.

B. The provisions of this Law, shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet.

ARTICLE V
GENERAL PROVISIONS (CONTINUED)

SECTION 505 – EXISTING SUBSTANDARD SIZED LOTS

A. **Purpose** – This section has the purpose of providing flexibility to the Administration of this Zoning Law by allowing certain substandard lots to have structures placed on them without the need for an Area Variance.

B. **Conditions** – An allowed use may be placed on a substandard sized lot existing and officially recorded at the time of enactment of this Zoning Law without an Area Variance if the following conditions are met:

1. At the time of enactment of this Law, the substandard parcel was not contiguous with another parcel in the same ownership. Note that, if contiguous substandard lots under single ownership do exists, they must be combined to create a conforming or more conforming lot with respect to minimum lot size and minimum lot width.
2. The substandard lot is not less than 80% of all of the lot applicable area standards to include minimum lot size, minimum lot width, minimum side yard and minimum rear yard for the district in which the use is proposed to be located.
3. The County Health Department approves the substandard lot where municipal utilities are not accessible.
4. If Condition B2 cannot met, but B3 has been accomplished, then the applicant can request an Area Variance from the Zoning Board of Appeals (see Variance Section) which will be granted if "Practical Difficulties" are shown to exist.

SECTION 506 – VISIBILITY AT INTERSECTIONS

For the purpose of maintaining sight lines and promoting traffic safety, on a corner lot in any district, no fence, wall, hedge or other structure of planting more than 3 feet in hight, shall be erected or placed within the triangular areas formed by the intersecting street edge lines and the imaginary straight line down between the points 25 feet from the intersecting street edge lines along the street edge lines.

ARTICLE V
GENERAL PROVISIONS (CONTINUED)

SECTION 507 – INTERPRETATION OF PERMITTED USES

When a use is not specifically listed as a "Use by Right" or a "Use by Special Use Permit" within any zoning district it shall be assumed to be a prohibited use it is determined in a written decision by the Board of Appeals that said use is similar to permitted uses, meets the intent specified in the Zoning districts and is not inherently a nuisance, menace or danger to the health, safety or welfare of the residents of the municipality.

SECTION 508 – PRESERVING YARDS, COURTS & OPEN SPACES

A. Preserving Yards, Courts & open Space – Rear Yards, courts and other open space shall be kept undeveloped in order to meet setback and coverage requirements of this Law, except as specified in B below.

B. Permitted Obstructions – The following shall not be considered to be obstructions when located in the preserved yards, courts and open space:

1. Open terraces, patios, awning and canopies, chimneys, trellises, flag poles, open fire escapes, decks, balconies, bay windows, steps chimneys, overhanging eaves and gutters and other uses which do not extend more than 40% of the required setback nor come closer to a lot boundary line by more than 40% of the setback and:

C. Location – All yards, courts and open space shall be located on the same undivided lot as the structure(s) for which the setback and area requirements are required.

SECTION 509 – ESTABLISHED FRONT YARDS

In an existing neighborhood where structures are not set back from the edge of the road and the distance specified by this Law, it shall be determined by the Enforcement Officer, what appropriate setback will be permitted by new construction or by alterations to existing adjacent structures. The variation requested which is in greater variation than that permitted by this rule, will require an Area Variance.

ARTICLE V
GENERAL PROVISIONS (CONTINUED)

SECTION 510 – NUMBER OF RESIDENTIAL DWELLINGS ON LOT (LOT DIVISION)

A. Number of residential dwellings on a lot – No more than 1 principal detached residential dwelling shall be constructed on a lot except in the Agricultural District when 2 acres are available per dwelling unit.

B. Division of Lots – No lot improved with a building or buildings, shall hereafter be divided into 2 or more zoning lots and no potion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings, shall not be less conforming to all the bulk regulations of the zoning district in which the property is located. However, any portion of a parcel may be removed if it is to be used with an adjacent parcel and the original parcel continues to conform to the bulk regulations.

SECTION 511 – DRIVEWAYS WITHIN RIGHT-OF-WAYS

When property to be developed fronts on a highway and access to the highway is desired, an approved permit from the applicable agency for the development of such highway access shall be presented. The Highway/Street Superintendent may require the installation of an appropriately sized sluice pipe where it is likely that drainage problems exist or may be created by the presence of a driveway on a public right-of-way.

SECTION 512 – AGRICULTURE

A. Agricultural Preservation – In order to promote, preserve and protect agricultural businesses, any portion of this Law that would reduce operational capability of an agricultural business, shall be waived in that 1 instance. However, where a documented health or safety problem exists or would be created if sections of this Law were not adhered to, then these sections will be enforced, but even then only to the minimum necessary. Determination or interpretations shall be made by the Zoning Board of Appeals.

B. Manure Piles – Manure piles may not be located within 200 feet of any neighboring residential dwelling unit.

ARTICLE V
GENERAL PROVISIONS (CONTINUED)

SECTION 513 – DISPUTED LOT LINES

A. Purpose – It is the intent of this section to clarify the procedures to be followed in verifying where lot lines are in order to insure that area requirements (side yards, ect,) are met.

C. Procedures – When the Enforcement Officer is in doubt as to the location of lot lines and it is apparent that new development may not be in accordance with area requirements, the Enforcement Officer shall withhold granting of the permit until 1 of the following occurs:

1. Applicant provides proof such as a survey accomplished by a licensed surveyor.
2. Refer the matter to the Zoning Board of Appeals for an interpretation of document provided by the applicant.
3. Grant permit after the applicant receives an Area Variance from the Zoning Board of Appeals.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 601 – DEVELOPMENT CONDITIONS

A. **Purposes** – Development conditions shall be attached to permits or variances when necessary or advisable to reduce or eliminate conflict between uses or to protect the health, safety and general welfare.

B. **Areas of Concern** – The following checklist shall be considered by the appropriate boards and administrators in their reviews of request for Building Permits, Special Use Permits and Variances. The checklist is not intended to be all-inclusive and does not limit the areas of concern over which conditions may be imposed.

1. Traffic – Safety of ingress/egress from roadway, intersection visibility, level of anticipated new traffic generation in relation to existing road capacity and traffic adequacy of off street parking and loading, pedestrian safety and/or location of structures in relation to all of the above.
2. Safety – Trash disposal, steep slopes, open pits, toxic and/or flammable fluids.
3. Health – Sewers/water, sunlight, air movement, unregistered vehicles and/or trash storage.
4. Character of Neighborhood – Development, density, traffic volume, lot sizes, compatible uses and/or buffers.
5. Public Cost – Road damage, need for new roads and/or need for new utilities.
6. Environmental Protection – Flood plain, wetlands and/or natural features
7. Nuisances – Noise, odor, dust, lights, hours of operation, lot size, buffers and/or nuisance location.
8. Land Use Preservation – Agriculture and/or open space.
9. Aesthetics – Restoration, appearance, scenic views and/or buffers.

C. Failure to Comply – Applicants, who have received Variances or Special Use Permits with conditions attached, shall be responsible for continual compliance with the specified conditions. Noncompliance with any condition shall result in revocation of the Variance/Special Use Permit and continuance of the use shall only be allowed after reapplication for the Variance/Special Use Permit.

ARTICLE VI
SUPPLEMENTAL REGULATIONS (CONTINUED)

SECTION 602 – CLUSTER RESIDENTIAL DEVELOPMENT

A. **Purpose** – Cluster residential provisions are intended to allow limited flexibility where desirable to permit and encourage superior development of relatively large undeveloped sites; development aims may include the preservation of views or natural features, provisions of amenities for common use, including recreational facilities not feasible on individual lots and innovative groups of dwellings which will provide desirable variety in the municipal housing stock. To carry out this purpose, standards for individual lot area and dimensions may be reduced from standards of the district in which the cluster is located, if compensating permanent common area ancillary to the dwelling units is provided in accordance with Section 601, B, 5.

B. **Standards for Development**

1. A cluster residential development shall not be less than 5 acres of contiguous undeveloped area under 1 ownership.
2. Uses permitted shall be limited to the residential uses permitted in the district, in which the cluster development is located, except that no home business shall be permitted.
3. Maximum permitted reductions in individual lot standards- Any lot in a cluster development may be reduced from the standards of he district in which it is located by the following or lesser amounts:
   a. Minimum lot area may be reduced by 20%.
   b. Minimum lot width may be reduced by 10%
   c. Minimum rear yard, if abutting common open space, may be reduced 5 feet; if abutting another residential lot, no reduction is permitted.
   d. Minimum side yards may be reduced by 3 feet.
   e. Minimum front yard standard may not be reduced.
   f. Maximum lot coverage may be increased by 5%.

4. Compensating permanent common are ancillary to the dwelling units shall consist of all land and recreational facilities held in common by the owners of lots in the cluster development, exclusive of access ways, common parking areas or other nonresidential area which may also be held in common, further, such common space shall be of a nature and extent to be of benefit to the residents of the cluster development.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 602 – CLUSTER RESIDENTIAL DEVELOPMENT (CONTINUED)

5. Compensating permanent common area shall equal or exceed the total of individual lot area reductions.

6. Permanent common areas shall be set aside and developed for the common use and enjoyment of all residents of the cluster development and appropriate convenient access shall be provided.

7. Private roadways shall adhere to Town Specifications.

8. Applicable general provisions and supplemental regulations of this Law shall apply to all cluster residential development.

C. Application and Procedures for Establishing a Cluster Residential Development

1. Application for establishing a cluster residential development shall be made to the Zoning Enforcement Officer, who shall refer the application to the Municipal Board and Planning Board.
2. The application shall include:

   a. Names and addresses of owner and developer;
   b. Written statements concerning need for development and suitability of site, potential impact on abutting properties and the neighborhood, development schedule for private and common areas, method of disposition of common areas including pertinent documents regarding owners association or other organization and long term maintenance, estimates of annual maintenance costs, other pertinent information:
   c. Location map drawn to scale of not less than 1 inch equals 1,000 feet showing subject parcel, existing and proposed access streets and nature of abutting development;

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 602 – CLUSTER RESIDENTIAL DEVELOPMENT (CONTINUED)

d. Overall development plan drawn to scale of 1 inch equals 10 feet with contour interval of 2 feet, showing exact size and shape of the subject parcel, natural features to be preserved, proposed residential lots and their dimensions, internal and surrounding streets and all other provisions for pedestrian and vehicular access and circulation, off street parking and loading areas, utility right-of-way signs or installations on or near the property, location, dimensions and area of proposed open space or other commonly held facilities which are part of the compensating permanent common area, comparison of total area of residential lot reduction with total area of common area, nature and location of public or private utilities which would serve the residential cluster,

e. Preliminary landscaping and drainage plans at a scale of 1 inch equals 10 feet with 2 foot contour intervals and/or,

f. Preliminary architectural and engineering drawings to show the nature of residential and open space or recreational facilities proposed.

D. Action By Municipal Permitting Board and Planning Board

1. The Permitting Board will be review and rule on the application for a cluster residential development expeditiously as practical and in no case later than 90 days after all information required for the application is received. The Planning Board shall make a recommendation to the Permitting Board in accordance with the article on Planning Boards.

2. The Boards will consider:

   a. Need for development and suitability of site;
   b. Impact on the neighborhood, circulation system and municipality as a whole;
   c. Feasibility and practicality of providing and maintaining common areas, including costs to prospective homeowners;
   d. Need for complete disclosure to prospective buys of future costs and responsibilities in connection with common areas;
   e. Need to require performance bond if nature of development warrants and;
   f. Other factors which affect the viability of the proposal and the general welfare of the municipality.

3. The Permitting Board may request preliminary meetings with the applicant to provide additional information or explain the proposal.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 602 – CLUSTER RESIDENTIAL DEVELOPMENT (CONTINUED)

4. The Permitting Board may hold an informational meeting in addition to a required public hearing to receive local opinion and reaction and shall make information concerning the proposal available to the public before such meeting.

SECTION 603 – ACCESSORY APARTMENTS

A. **Purpose** – The conversion of existing single-family dwellings to multiple-family units shall be regulated in accordance with this for districts where conversions are specifically listed as being allowed uses. The purpose is to protect established neighborhoods (especially those that are predominantly single-family) from adverse change resulting from density increases.

B. **Conditions** – The following conditions must be meet, otherwise a variance shall be requested.

Conditions	R 1 District
Number of Apartments Created	Maximum 1
Apartment Size	Minimum 650 sq./ Maximum 800 sq. ft.
Area Requirements	Lot must conform with R 1 area requirements
Parking	Minimum 1 ½ spaces per unit
Size of Original Single	Minimum 2,000 sq. ft. floor space
Family Dwelling	May utilize for apartment if, existing garage space is not reduced
Accessory Building Use	Character of Neighborhood will not be changed

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 604 – MULITPLE DWELLING

A. **Purpose** – Attached multiple dwellings in districts where not allowed shall be subject to Special Use Permits and where 5 or more units are proposed, site plan review requirements shall apply. Each development proposal shall be evaluated on its own merits with reasonable conditions attached.

B. The following shall be considered where appropriate for inclusion.

1. **Special Use Permit Conditions:**

   a. Safe ingress and egress.
   b. Roadway ownership and design. Insure roadways and fire lanes are adequate for year-round fire equipment movement.
   c. Parking in accordance with the supplemental section and additionally, auxiliary parking.
   d. Storage facilities such that adequate indoor storage is available. See supplemental sections.
   e. Utilities to include sewer, water, telephone, electric, cable TV, ect. See supplemental section on TV dishes.
   f. Common property ownership and the creation of an owner's association.
   g. Sign size, location, and lighting, ect. See supplemental section on signs.
   h. Recreational uses, active and passive.
   i. Buffers, natural and man-made as necessary.
   j. Density of development as specified in the area requirements.
   k. Other reasonable and appropriate conditions as deemed necessary by the Permitting Board. See supplemental section on development conditions.

2. **Site Plan Review Conditions** – See site plan review section.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 604 – MULTIPLE DWELLING (CONTINUED)

3. Fire Regulations – Dry hydrants and residential sprinkler system shall be required for attached multiple dwellings where no municipal water system with fire fighting capabilities exists and the following criteria are exceeded.

	Fire Fighting 1/ Capability	
	Optimum	**Minimal**
Dry Hydrant only required if: -Number of units in project exceeds the specified number and 1 of the following criteria is exceeded:	20 units	15 units
-Maximum units per acre exceeds:	7 units	6 units
-Maximum units per building exceeds:	8 units	6 units
Sprinkler Systems & Dry Hydrant required if -Number of units in project exceeds the specified Number and 1 of the following criteria is exceeded:	30 units	25 units
- Maximum units per acre exceeds:	9 units	7 units
- Maximum units per building exceeds:	15 units	12 units

Notes: 1. Based on response time, availability of fire-fighting personnel, year-round fire lane access, topography, fire equipment potential and year-round availability of sufficient water and ISO rating.

2. Refers to residential sprinkler system as defined in NFPA Fire Code 13D.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 605 – SHOPPING CENTER

A. **Purpose** – Commercial shopping centers or malls in districts where allowed shall be subject to Special Use Permits and where 5,000 or more square feet of floor space is being proposed, site plan review requirements shall also apply. Each development proposal shall be evaluated on its own merits with reasonable conditions stated.

B. **Conditions** – The following shall be considered for inclusion, where appropriate:

1. **Special Use Permit Conditions** –

   a. Safe ingress and egress.
   b. Alleys, fire lanes and all other means of fire equipment movement shall be adequate for year-round movement.
   c. Dry hydrants shall be required where year-round access to pond, stream or other source of water for fighting fires is not available.
   d. Sufficient parking in accordance with supplemental section on parking.
   e. Loading and unloading spaces in accordance with the supplemental section on loading.
   f. Signs shall be in conformance with the supplemental section on signs.
   g. Buffers, either natural or man-made, shall be required where conflict of uses needs to be reduced to acceptable levels.
   h. Trash should be handled in accordance with the supplemental section on trash.
   i. Other reasonable and appropriate conditions as deemed necessary by the Permitting Board. See supplemental section on development conditions.

2. **Site Plan Review Conditions** – See site plan review section.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 606 – RESTAURANTS

A. **Purpose** – Restaurants are regulated in order to promote safe, appealing establishments with minimal nuisances present.

B. **Conditions-**

1. **Parking** – See supplemental section on parking to determine the number of off street parking spaces required. The location and layout of the parking spaces specified in the permit.

2. **Traffic Safety** – The entrance and exit location and size shall be safely designed with minimal obstructions. Pedestrian's safety shall also be considered.

3. **Nuisances** – Noises from electric motor, compressors, ect., or glare from lighting shall be minimal.

4. **Signs** – All sign regulations as specified in the supplemental section, shall be complied with fully.

5. **Decks** – Any deck, patio, porch or similar are utilized by customers, shall be approved and in accordance with all area requirements.

6. **Trash** – All trash shall be located inconspicuously and in well-maintained containers that minimize the chance for spillage, unhealthy or unsightly conditions.

7. **Buffers** – As is required by the Permitting Board, appropriate buffers may be required which shield adjacent properties from any adverse conditions associated with the restaurant (e.g., parking lots, lighting, ect.).

8. **Entertainment** – The applicant shall specify the type of entertainment to be utilized, location in building, maximum frequency and hours of entertainment. No nuisance shall be permitted; and if it becomes apparent that any of these provisions are creating a nuisance, a public hearing shall be required to reevaluate the original application.

9. **Other** – Any other condition as deemed reasonable and necessary may be required by the Permitting Board.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 606 – RESTAURANTS (CONTINUED)

C. Pre-existing Restaurants – Restaurants existing before the enactment of this Law shall be required to comply with the above conditions; B3, Nuisances; B6, Trash; B7, Buffers; and B8, Entertainment. A public hearing should be held to determine conditions, which can be reasonably met and the period of time for which the condition must be met. A minimum of 1 year shall be allowed for compliance, but a longer period shall be specified where compliance will be more complex. Pre-existing restaurants shall be subject to this section 1year from that date of enactment of this Law.

SECTION 607 – HOME OCCUPATION

A. A Home Occupation (Limited or Customary) must be listed under uses allowed for the district in question 1, and additionally, must meet the standards below;

	Limited Home Oc.	Customary Home Oc.
Maximum Floor Area Used for Home Occupation	20%	25%
Attached or Detached Accessory Bldg.	2	2
Existing at Enactment Date May be Used	Yes	Yes
Max. Number Non-household Employees	0	1
On Premises Sale of Goods	No	Yes
On Premises Sale of Services	Yes	Yes
Outside Display	No	No
Sign Attached to Structure	No	Yes
Adequate Off Street Parking Required	Yes	Yes
Nuisances Allowed (Noise, ect.)	No	No
Only Allow Equipment Customarily Used in a Home	Yes	Yes

Notes: **1.** Where a business is listed as an allowed use, it shall be permissible to utilize a residential dwelling for that business use.

2. Yes, if lot is 25% larger than zoning requirements for district.

3. No dimension shall exceed over 3 feet with a maximum height of 5 feet to the top of the sign.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 607 – HOME OCCUPATIONS (CONTINUED)

B. Pre-existing Home Occupations

Home occupations legally existing before the enactment of this Law, shall not generally be required to comply with the above conditions. However, where there is clear evidence that a nuisance is present due to an increased level of activity or a substantial change in the nature of the Home Occupation, then the use shall be subject to a Special Use Permit proceedings and any of the above conditions may be imposed on the use where reasonable possible.

SECTION 608 – HOUSEHOLD SALES

In order to preserve the character of neighborhoods, garage and other similar type of noncommercial sales (lawn sales, household sales, flea market, and ect.), shall be subject to the following conditions:

A. **Frequency** – Sales shall be limited to 3 periods of 3 days each per year, per property owner.

B. **Signs** – Refer to supplemental sign section.

C. **Fees** – No fees shall be charged for household sales and permits are not required.

ARTICLEVI
SUPPLEMENTAL REGULATIONS

SECTION 609 – ROADSIDE STAND (SEASONAL)

A. **Definition** – For the purposes of this Law, roadside stands shall consist of 2 types, general roadside stand and limited roadside stand.

1. **General Roadside Stand** – Produce sold but not necessarily grown on premises where stand is located.
2. **Limited Roadside Stand** – All produce is grown on the premises (lots) where the stand is located and are sold only by the owner(s) of said premises. Also, the stand may only be located at the sale during the produce sales season.

B. **Regulations**

1. **General Roadside Stand** – Permitted by Special Use Permit in accordance with appropriate portions of Section 601 (General Conditions).

2. **Limited Roadside Stand** – Permitted by the Right in accordance with part B3 of this section. No permit shall be required nor a fee shall be charged.
3. All roadside stands shall comply with the following:
   a. Safe entry, exit and parking;
   b. Sufficient off street parking to meet peak demand;
   c. Hours of operation which are compatible with the neighborhood;
   d. Signs in accordance with the Sign Section.

C. **Pre-existing Roadside Stands** – All stands utilized in the 24-month period to the effective date of this Law shall be exempt from all regulations found in this section. However, any expansion or alterations shall be subject to regulations found in this section.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 610 – DRIVE-IN ESTABLISHMENT

A. **Definition** – Drive- In establishments shall include those businesses designed to either wholly or partially to provide services for customers, while in their automobiles parked on the premises.

B. **Regulations** – Drive- In establishments shall be allowed in districts where they are listed and the following conditions shall be considered prior to granting the permit:

1. Supplemental section on General Conditions; and/or

2. Traffic safety;
   a. Provisions for traffic to "back up" off of public streets shall be provided.
   b. Safety entry and exit shall be provided with only 1 entry and exit point.
   c. Proper parking, which allows convenience and safety, shall be provided.
   d. Pedestrian safety shall be considered when constructing the facility and parking spaces.

3. Location considerations will be analyzed to insure that the character of the neighborhood will not be significantly diminished.

4. Hours of operation.

5. The need for buffers, especially when situated near residential structures.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

ARTICLE 611 – VEHICLE REPAIR SHOP/AUTO BODY REPAIR SHOP

A. **Purpose** – In order to preserve the character of neighborhoods and promote safe and aesthetically pleasing repair shops, all such shops shall be reviewed in accordance with conditions which follow:

B. **Conditions** – The following conditions shall be met:

1. **Storage of Vehicles Awaiting Repairs**

   a. 1 to 3 vehicles stored outside awaiting repairs shall be kept I one contiguous location and neatly arranged.
   b. Where 4 to 6 vehicles are temporarily stored outdoors they shall be screened by appropriate fence, which makes it impossible to view the vehicles from adjacent roads or properties.
   c. The temporary storage of over 6 vehicles outdoors shall be prohibited.

2. **Hours of operation** – The operation shall be derived so as to limit the noise during non-business hours. Business hours shall be defined as 8 AM to 8PM.

3. **Area requirements** – The lot, on which the shop is located, shall be a minimum of 1 ½miles the minimum lot size for the appropriate district (other use category).

4. **Buffers** – Where deemed necessary, appropriate buffers shall be required.

5. All parts shall be enclosed within a screened/fence area or stored inside of a building.

6. **Other conditions** – Conditions listed in supplemental section on "General Conditions" may be required where deemed appropriate.

C. **Pre-existing Uses**

1. **Expansion and Enlargements** – All expansion or enlargements of repair shops in existence prior to enactment of this Law shall be subject to regulations of this section.

2. **Pre-existing Uses** – Where it is deemed at a public hearing held by the Municipal Board that a nuisance exists with a pre-existing use, then B1, Vehicle Storage; B2, Hours of Operation; B4, Trash; can be required to be enforced within a reasonable time period.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 612 – MOTOR VEHICLE SERVICE STATIONS

A. **Purpose** – Gas stations as defined in the definition section, are regulated in this section to promote safe and properly located stations, which are visually attractive.

B. **Entrance/Exit** – No public garage or motor vehicle service station or private garage for more than 5 vehicles shall have a vehicular entrance closer than 200 feet to an entrance to a church, school, theater, hospital, public park, playground or fire station. Such measurement shall be taken as the shortest distance between such entrances across the street and along the street frontage if both entrances are on the same side of the street or within the same square block.

C. **Location** – All motor vehicle service stations shall be so arranged and all gasoline pumps shall be placed as to require all servicing on the premises and outside the public way; and no gasoline pump shall be placed closer to any side property line than 50 feet.

D. **Storage of Vehicles Awaiting Repairs** –

1. 1 to 3 vehicles store outside awaiting repairs shall be kept in one contiguous location and neatly arranged.
2. Where 4 to 6 vehicles are temporarily stored outdoors, they shall be screened by an appropriate fence which make it impossible to view the vehicles from adjacent roads or properties.
3. The temporary storage of over 6 vehicles outdoors shall be prohibited.
4. All Parts shall be enclosed with a screened/fence area or stored inside a building.

E. **Abandoned Tanks and Pumps** – All abandoned tanks and pumps shall be secured in accordance with the NYS Uniform Fire & Building Code.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 613 – PRIVATE SWIMMING POOLS

A. **Conditions** – A private swimming pool installed or maintained as an accessory to a residential use shall meet the following requirement:

1. **Fence** – Any such pool which is installed in-ground shall be completely enclosed by a security fence not less than 4 feet in height and for all pools there shall be gates, ladders or doors equipped with self-closing and self-latching devices designed to keep and capable of keeping such gate, ladders or doors securely closed at all times when not in actual use.

2. **Filtration System** – Noise – Pools which are equipped with integral filtration system and filter pumps or other mechanical devices shall be so located and constructed as not to interfere with the peace, comfort and repose of the occupant of any adjoining property.

3. **Maintenance** – Both in-ground and aboveground pools, accessory buildings, fences, ect., shall be properly maintained.

4. **Drainage** – Provisions for the drainage of such pools shall be adequate and shall not interfere with the public water supply system, existing sanitary facilities, neighboring properties, ect.

5. **Setback Requirements** – Pools shall be installed in accordance with the area requirements of the appropriate district.

6. **Chemical Storage** – See the NYS Uniform Fire & Building Code for chemical storage procedures.

B. **Pre-existing Uses** – Pools in existence prior to the enactment of this Law, shall within 1 year comply with the following conditions in the previous paragraph: A1, Fence; A3, Maintenance; and A4, Drainage.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 614 – LAKESHORE REGULATIONS

The following regulation shall apply to parcels located adjacent to Bear Lake. In cases of conflict with other regulations, the most stringent shall apply.

A. **Setbacks** – No principal structures intended for inhabitation shall be permitted within 50 feet of the shoreline based on high water levels of 1318 feet mean sea level (MSL). Refer to general provisions section on established front yards.

B. **Accessory Buildings** – Accessory Building not utilized for inhabitation shall be allowed "By Right" when set back 50 feet or more from the shoreline (based on high water level of 1318 feet MSL). Accessory buildings less than 50 feet from the shoreline shall be allowed by Special Use Permit with consideration given to the following:

1. Visibility from adjacent parcels.
2. Maximum floor space of 150 square feet recommended.
3. Structure is sufficiently anchored to prevent movement due to wind, high waters, ect.
4. Structure does not extend beyond the natural high water shoreline.
5. Other reasonable conditions deemed necessary.

C. **Break-Walls** – Any modifications of a shoreline shall be in accordance with NYS Department of Environmental Conservation Regulations.

D. **Fences** – Any fence established within 50 feet of the shoreline (based on high water level of 1318 feet MSL) shall be by Special Use Permit only. Consideration shall be given to the supplemental section on fences and the following;

1. Visibility from adjacent parcels,
2. Height of fence,
3. Type of fence, and
4. Other reasonable conditions deemed necessary.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 614 – LAKE SHORE REGULATIONS (CONTINUED)

E. **Dock Use** – All docks extending from Residential Districts shall be utilized only for non-commercial pleasure uses by the owner of the property of any persons who may have a permanent legal right-of-way over the property from which the dock extends.

F. **Uses Allowed** – Any creation on a dock, pier, island, floating vessel or in general on Bear Lake, shall be listed as an allowed use in the district over which access is obtained to the proposed use. Adequate off street parking shall be required.

G. **Dock Storage** – All docks stored in any district shall be removed sufficiently from public roadways such that they do not obstruct snowplowing operations.

H. **Outdoor Storage on Parcels Adjacent to Bear Lake.**

1. **Purpose** – Unique Lake shore properties where development density is very high should preserve and upgrade to encourage a high grade of development for this limited resource.

2. Items allowed to be stored outdoors – Recreational vehicles (boats, ATV's, motor homes, snowmobiles, ect.), non-commercial trailers, and large equipment shall be allowed to be stored outdoors if the conditions which follow are abided by.

3. **Conditions**

a. A maximum of 1% of the lot are shall be utilized for regulated outdoor storage items.
b. All small items or "excess" outdoor items (over 1% limit) shall be store indoors in sheds, primary structures, garages, other allowed enclosures or off premises.
c. **Location** – Items allowed to be stored outdoors shall be:

(1) **Stored out-of-sight to the greatest degree possible;**
(2)**Stored in accordance with area setbacks of the district;**
(3)**Placed as far back from the lake as possible;**
(4)**Placed out of the site line of neighbors to the greatest degree possible;**
(5)**Stored in orderly fashion.**

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 614 – LAKE SHORE REGULATIONS (CONTINUED)

4. **Administration** – The Enforcement Officer shall notify owners of lake- front properties of obvious violations of this section as he is made aware of them. The violator shall within a reasonable time period be notify the Enforcement Officer of steps to be taken to come into compliance and shall specify a compliance schedule. If the violator does not voluntarily comply or respond within a reasonable time period, The Enforcement Officer, shall in writing specify the conditions to be met and advise the violator of his rights to ask for a variance or an informal meeting with the Zoning Board of Appeals to settle the matter. Aggrieved parties may also request a meeting with the Zoning Board of Appeals to ask for an interpretation on compliance with this section.

I. **Parking** – Where commercial parking lot are an allowed use, it shall be allowed only by Special Use Permit.

J. **TV Dish Antennas** – In addition to complying with the supplemental regulations on TV dish antennas, any TV dish antenna proposed to be located on a parcel of land contiguous to Bear Lake, must be located a minimum of 50 feet back from the lake shore, based on 1318 feet above mean sea level.

K. **Launch Ramps** – Pre-existing and new launch ramps shall only be utilized in such a manner so as to not cause a nuisance. The Zoning Board of Appeals shall respond to legitimate complaints by requiring the operator to apply for a Special Use Permit. Reasonable conditions shall be set up and attached to the permit. Said conditions may include but not to be limited to hours of usage, buffers and other reasonable conditions.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 615 – OFF – STREET PARKING

A. **Purpose** - Off-street parking space(s) with a proper and safe access shall be provided within a structure or in the open to severe adequately the uses on each lot within the district. Any application for a building permit for a new or enlarged building structure or change in use shall include with it a plot plan drawn to scale and fully dimensioned, showing any parking in compliance with the regulations of this Law. However, in existing Commercial Districts, parking shall only be required to be provided for new development where it is reasonable possible.

B. **Size Requirements** - A required off-street parking space shall be an area of not less than 162 square feet, not less than 9 feet wide by 19 feet long, exclusive of access drives or aisles, ramps, columns or office and work areas. Aisles between vehicular parking rows shall not be less than 12 feet in width when serving automobiles parked at a 45 degree angle in 1 direction not less than 20 feet in width when serving automobiles parked perpendicular to the aisles and accommodating 2-way traffic.

C. **Street Access** – Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 615 OFF - STREET PARKING (CONTINUED)

D. Location of Parking Places –

1. **Purpose** – When new construction takes place, this section shall promote the proper design of off-street parking by encouraging parking in side and rear yards where possible and prohibiting front yard parking where no driveway or defined parking area exists.
2. **Multiple Family & Commercial Development** – It is recommended that off-street parking be located behind the front yard accessory setback required by the district area requirements. However, when this is not practical, all private parking spaces shall be out of right-of-ways and located such that they do not pose any safety problems for pedestrian traffic or traffic on the adjacent roadways. Parking areas shall be well defined. The Permitting Board may, upon request of the applicant, allow required parking spaces to be located off the applicant's property to include both private and public parking within 500 feet of said property.
3. **Single-family & Duplex Development** – Well-defined residential driveways shall be the primary source of out door parking for single-family and duplex structures. Actual defined parking areas shall not be in a street right-of-way and shall preferably, be set back from the road as far as is practical. Parking on lawns shall be prohibited.
4. **Vacant Lot Parking** – Parking lots created on vacant lots shall meet the accessory setback requirements of the district in which they are placed.

E. Material Composition – All open off-street parking space and access areas, except those accessory to single-family dwellings and duplexes, shall be surfaced with some all-weather low dust materials such as stone, gravel or macadam.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 615 – OFF-STREET PARKING (CONTINUED)

F. Number of Spaces – The following parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each use which, after the date when this Law becomes effective, is erected, enlarged or altered for use for any of the following reasons:

Uses	Minimum of 1 Space Per
One Family Residence & Mobile Home	½ Dwelling Unit
Two Family Residence	½ Dwelling Unit
Multi-Family Residence	½ Dwelling Unit
Church	5 Fixed Seats
Home for Aged	3 Residents
Elementary School	20 Students
High School & College	12 Students
Library	1,000 Sq. Ft.
Places of Assembly, Inc., Convention Hall & Dance Hall	200 Sq. Ft.
Club, Lodge (Without Sleeping Accommodations)	Each 5 Capacity of hall
Places Providing Sleeping Accommodations, inc., Hotels & Tourist Home	Sleeping Unit
Mortuaries or Funeral Parlors	1/8 viewing Rm. Plus 1 for Every Employee
Offices, Banks	100 Sq. Ft. Floor Area
Food Market	200 Sq. Ft. Floor Area
Eating & Drinking Establishments	4 Seats each or 1 each 200 Sq. Ft. Floor Area Which ever is more
Bowling Alley	Which ever is more ¼ Alley
Other Commercial	300 Sq. Ft. Sales Area
Industrial	Employee (Max. Work Shift)
Other Uses Not Listed Above	500 Sq. Ft. Floor Area

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 616 – LOADING & UNLOADING

A. **Need** – Off-street loading and/or unloading spaces for non-farm commercial vehicles while loading and/or unloading shall be provided for new uses where it is deemed necessary to serve the use or uses on the lot. At least 1 off street loading and/or unloading space shall be provided for all commercial establishments in excess of 7,500 square feet of floor area.

B. **Size** – Each loading and/or unloading space shall be at least 14 feet wide, 60 feet long and shall have at least a 15 foot vertical clearance; shall have a 60 foot maneuvering area. Refer to Variance Section where this requirement cannot be met.

C. **Use of Parking Spaces** – Generally parking spaces shall not be used for loading and/or unloading purposes except during hours when business operations are suspended or if pedestrian and vehicle traffic will not be obstructed. However, the Permitting Board may allow the use of parking spaces when it is determined that the effects will be minimal.

D. **Design** – Loading and/or unloading facilities shall be designed so that trucks need not back in or out, or park in any public right-of-way. No truck shall be allowed to stand in a traveled roadway or pedestrian walkway or in any way block the effective flow of persons or vehicles. The loading and/or unloading area shall have an all-weather surface to provide safe and convenient access during all seasons.

E. **Pre-existing Uses** – Any use existing, as of the effective date of this Law shall not be subject to this section.

ARTICLE VI
SUPLEMENTAL REGULATIONS

SECTION 617 – SIGNS

A. **Purpose** – The intent of this section is to preserve and enhance the Business and Industrial Districts by encouraging signs in character and scale with individual buildings and with the municipality to avoid a chaotic, unsafe or unattractive clutter of signs by prohibiting signs or advertising devices which are inappropriate, in size or type, to character and to protect the character of the Residential Districts by strictly limiting signs within them.

B. **Administration**

1. **Permits Required** – Except as listed in paragraphs B2 and B3, a Zoning Permit shall be required before an outdoor sign is created, altered or enlarged. A permit shall not be issued until all applicable sign regulations are met. All requests for permits must be accompanied by a plan drawn to scale showing the exact size, shape, location, type of sign.

2. **Exempt Signs** – The following signs shall be exempt from all regulations of this Section: public signs such as directional, street and traffic.

3. **Signs Requiring No Permit** – The following signs shall be subject to all regulations of this section but shall be exempt from obtaining a permit as required above:

   a. Temporary Signs to include contractor signs, political signs and fruit stand signs (see C3e below);
   b. Non-Illuminated, indoor signs;
   c. Realty for sale signs; and
   d. Household sale signs (see C3d below).

C. **Specific Regulations by Sign Type** – Specific regulations shall take precedence over the more general sign regulations.

1. **Signs Attached to Buildings**
   a. No sign shall project higher than the roofline.
   b. No sign shall be permitted to be mounted on the roof of a building above the roofline.
   c. No sign shall extend higher than 18 feet in height as measured from the ground.
   d. No sign shall be located as to overhang above a walkway or a right-of-way.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 617 – SIGNS (CONTINUED)

2. **Freestanding Signs** – Freestanding signs where allowed shall be in accordance with the following:

   a. Height – A maximum height of 18 feet from the ground to the top of the sign wall shall be allowed.
   b. Setback – Freestanding signs shall not be in, or overhang the road right-of-way.

3. **Temporary Sign Regulations** – The following specific regulations shall apply to temporary signs:

   a. Contractor signs shall be allowed during periods from when the job commences and is completed. The sign must be removed if substantial progress on the job is not taking place. The maximum size shall be 10 square feet.
   b. Political signs up to 32 square feet ~~H~~ in size shall be allowed 4 weeks before and 1 week after the election and it shall be the responsibility of the candidate to comply with this regulation. Permission form the property owner must be received prior to sign placement. A sturdy all-weather backing shall be utilized.
   c. Sandwich Signs, in business districts, shall be allowed when located on premise and when there is at least nine feet of clearance between the sign and the edge of the street curb. The size of the sign shall not exceed 3' x 5' in size.
   d. Household Sale signs shall be permitted in accordance with the following regulations;

      (1) Maximum Size – no more than 2 feet high by 3 feet wide.
      (2) Maximum Number – permission must be received from the property owners where off-premise signs are located.
      (3) Location – Signs shall not be placed on "off premise" trees or utility poles.
      (4) Illumination – Signs shall not be illuminated.
      (5) Time – Household sale signs may be erected on the day before the sale starts and must be removed on the last day of the sale.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 617 – SIGNS (CONTINUED)

e. Seasonal On-Premise Roadside Stand Signs shall be allowed in accordance with the following conditions:
(1) Maximum Size – No more than 4 feet high by 4 feet wide.
(2) Maximum Number – No more than 2 signs shall be used per property with more signs requiring a permit.
(3) Location – Signs shall not be placed on off premise trees or utility poles.
(4) Illumination – Signs may be illuminated by a maximum of 2 lights, which must meet all illumination requirements of this section.
(5) Time – Roadside stand signs shall only be permitted during the season in which the agricultural product being sold is available.
(6) Permits – No permit shall be required for seasonal on premise roadside stand signs.

f. Real Estate signs up to 10 square feet in size shall be allowed until 1 month after the sale is finalized.

g. Sign for quasi-public uses to include churches, schools, libraries, hospitals and nursing homes, shall be a maximum of 25 square feet in size and shall require a Special Use Permit. If the sign is to be freestanding, it shall not be set in, or overhang the road right-of-way.

4. **Billboards** – Billboards shall not be allowed.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 617 – SIGNS (CONTINUED)

7. **Interior Illuminated Window Signs** – Inside illuminated signs shall be a maximum of 2 square feet each and no more than 5% of the front window area can contain such signs. No permit is required. More than these maximum limits would require a Special Use Permit.

SIZE OF SIGNS:

	Permit Type for Business Signs		Maximum Sq. Ft. Business Signs	
Districts	**On Premises**	**Off Premises**	**On premises**	**Off Premises**
R	S	NA	50	NA
L	S(3*)	NA	50(2*)	NA
B	R	NA	50	NA
AR	S(3*)	NA	50(2*)	NA
A	R(3*)	NA	50(2*)	NA
I	R	NA	200	NA

LEGEND:

R	**By Right Permit**
S	**Special Use Permit**
NA	**Not Allowed**

***Notes:** 1. The Sign size provided represents the maximum square feet allowed per Business.

2. Or 20% of the store front, whichever is greater.

3. Sign proposed to be located 100 feet or less from a Residential District shall require a Special Use Permit.

ARTICLE VI
SUPPPLEMENTAL REGULATIONS

SECTION 617 – SIGNS (CONTINUED)

	Maximum Number Signs	
District	**Primary**	**Secondary**
R	1	1
B	2	2
A	2	2
I	2	2
AR	2	2
L	1	1

Note: More than the maximum number of signs, to include temporary signs, shall be allowed only by Special Use Permit with conditions attached if it can be accomplished in good character with the neighborhood. The total aggregate square feet of all signs that a business utilizes shall not exceed the maximum square feet as specified in this subsection.

E. General Regulations

1. Condition

a. Every permitted sign must be constructed of durable materials and kept in good condition and repair.
b. Any sign which is allowed to become dilapidated may be removed by the municipality at the expense of the owner or lessee of the property on which it is located.

2. Location

a. Traffic
(1) No sign shall be so located that the sign might interfere with traffic, be confused with or obstruct the view or effectiveness of any official traffic sign, signal or marking.
(2) No sign shall be stapled, pasted or otherwise attached to utility poles or trees within a road or street right-of-way.

b. Ingress, Egress
(1) No sign shall be located which shall prevent free ingress or egress from any window, door or fire escape.
(2) No sign shall be so placed that it will obscure light and/or air movement from a building.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 617 – SIGNS (CONTINUED)

c. **Location on Trees** – No signs shall be temporarily or permanently attached to a tree or utility pole.
d. **Private Property** – All signs must be located on private property with the permission of the property owner.

3. **Illumination**

a. No off premises neon signs are permitted.
b. Illuminating arrangements for signs shall be such that the light is concentrated on the sign with a minimal spill over cast on the street, sidewalk or adjacent.
c. Signs which contain, include or are illuminated by any flashing, intermittent or moving lights are prohibited.

4. **Moving Parts**

a. No permanent signs shall utilize moving parts.
b. Permanent pennants, banners, flags, buntings, whirligigs or other similar attention-getting devices shall not be permitted where its purpose is to advertise or bring attention to a commercial business operation. This provision does not apply to the displaying of a national, state or other flags not intended for advertising. However, temporary signs utilizing moving parts shall be allowed By Right for up to 2 weeks with longer periods permitted by Special Use Permit.

F. Cessation

1. If a use ceases for a period of 1 year, all detached signs must be removed.
2. Such signs may be removed by the municipality at the expense of the owner or lessee of the property on which the sign is located, if the sign has not been removed in 30 days notice. All State Laws will be complied with in causing removal of any sign.

G. NYS Regulations

1. New York State Highway regulations related outdoor advertising shall also apply where applicable.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 617 – SIGNS (CONTINUED)

H. Pre-existing Signs

1. General Regulations Covered – Legally existing non-conforming signs shall be required to comply with the following general paragraphs:

   a. Part E1b, Dilapidation; and
   b. Part F, Cessation;

2. **Compliance** – Sign owners notified of a violation shall respond within 30 days of receipt on how they intend to comply. Compliance shall take place within 3 months of notification.

SECTION 618 – FENCES AND WALLS

A. Regulations – Fences and walls as defined in Section 202 (Definitions) shall be allowed by permit in any district and shall conform to the regulations which follow:

1. Exempt Fencing – Fencing used for agricultural purposes on farms (see definition) shall be exempt from all regulations except for maintenance requirements detailed below. Additionally, non-boundary fencing located more than 25 feet from any property line shall be exempt.
2. Permits – Fences shall be allowed up to 4 feet high in height by right. Fences above 4 feet in height shall require a Special Use Permit and consideration will be given to visibility from adjacent properties, light and air movement, ect.
3. Setback from Road – Fences shall be set back a minimum of 10 feet from the edge of the right-of-way. Opaque fences shall be set back a minimum of 25 feet from the edge of the right-of-way.
4. Proximity to Neighboring Properties – All fences and walls may be built up to a property line; however, all hedges shall be located no closer than 2 feet from adjacent property lines.
5. Finished Sides – The finished sides of all fences must face adjacent properties. This rule can be waived if agreed to in writing by adjacent property owners.
6. Materials – Only durable materials generally used and accepted by the industry shall be used for fences.
7. Maintenance – All fences shall be maintained structurally and visually.

B. Pre-existing Fences – Fences in existence at the time of enactment of this Law, shall only be subject to 7, Maintenance; and 1, Exempt Fencing, above.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 619 – TOWERS/WINDMILLS

A. **Purpose** - All towers over 60 feet in height, as well as windmills, shall be regulated for the purpose of assuring safe installations, which are properly located.

B. The following conditions shall be considered for inclusion in the permit:

1. **Location** – Towers over 60 feet and all windmills shall be removed from surrounding residential structures sufficiently so as not to cause a nuisance, due to noise, appearance or other factors.
2. **Buffer** – The placement of retention of buffers shall be required where they would improve compatibility of the surrounding areas.
3. **Attractive Nuisance** – The base of towers over 60 feet in height and windmills, shall be sufficiently protected from entry either by tower/windmill design or protective fences, ect. Where guy wires are utilized, the anchor points shall be sufficiently protected to minimize the possibility of hitting the guy wires with recreational vehicles. Additionally, a sign shall be conspicuously placed near the base of a communications tower and it shall generally state that danger exists and that no access is permitted.
4. **Other Regulations** – State and federal regulations governing towers or windmills must be complied with.

C. **Pre-existing Towers** – All towers utilizing guy wires, which exist at the time of enactment of this section, shall be brought into compliance with part B3 within 6 months from date of written notification.

D. *Existing Section 619 is hereby amended to provide that the provisions therein
shall not apply to towers, antennas and telecommunications facilities as defined in Article XV, Section 1501 and following the Zoning Law of the Town of Stockton.

E. ^ Any Structure, apparatus or system including antennas as defined in Section 202 of Article II herein shall be regulated under this section.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 620- TV DISH ANTENNAS

A. **Purpose** – The purpose of this section is to protect the aesthetic values of the community and the health and safety of its citizens. This section recognizes that the most visible parts of our environment are the public streets and the abutting front yards, and that the appearance of these areas largely sets the character and quality of our environment. TV dish antennas are intrusive and incompatible elements when installed in front yards and seriously impair the aesthetic qualities of residential streets and properties. Further, dish antennas in highly visible and accessible locations are an attractive nuisance for small children who might attempt to climb and play on them, and a tempting target for vandals, particularly during dark hours. Therefore, it is the intent and purpose of this section to require that the TV dish antennas be located inconspicuously.

B. **Conditions**

1. **Location** – Primary structure area standards (front, side and rear yards) shall be met. Dish antennas shall not be located in a front yard and they shall be as inconspicuously located in relation to adjacent structures as is reasonably possible.
2. **Lot Size** – TV dish antennas shall only be allowed to locate on lots which are ½ acre or larger in size.
3. **Advertising** – No advertising shall be located on the antenna.
4. **Lake Shore Lots** – See supplemental section on lake shore regulations.

SECTION 621 – SOLAR SYSTEMS

In order to promote and protect the use of the solar systems (active and passive), the following regulations shall apply:

A. **Solar Permit and Placement** – The placement of structures or modification of existing structures, which are to contain solar systems, shall be by Special Use Permit, if protection is to be sought under part B of this section. If no protection is sought for a solar system, then no permit shall be required for the installation unless the floor space is increased. Consideration will be given to locating the solar structure the furthest distance from adjoining properties, on the southern exposure, which is reasonably possible. This distance shall be a minimum of 100 feet and may be required to be more if the slope so dictates.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 621 – SOLAR SYSTEM (CONTINUED)

B. **Adjacent Property Control** – The placement of structures tree, towers, ect., which have the potential of blocking the sun from adjacent solar collectors established by Special Use Permit. The placement of said potential obstruction shall be such that it least interferes with the adjacent solar collectors while still allowing reasonable use of the land.

C. **Notification** – If protection is sought, owners of all properties within 200 feet of the property on which the solar collector is to be placed will be notified in writing of the intent to place a solar system in the neighborhood and the possible effects that this could have on future development. The date, time and location of the public hearing shall be included in the notification.

SECTION 622 – NATURAL GAS COMPRESSORS

A. **Purpose** – Gas transmission compressors are capable of producing unacceptable environmental intrusion, especially where residential uses are prevalent. In order to avoid unreasonable use of property resulting in substantially reduced use-value of adjacent inhibited or non-inhibited properties; this section shall regulate the location and installation of all gas compressors not under the jurisdiction of the NYS Public Service Commission. Generally, the section is intended to preserve and protect the general welfare, health and safety of the public while still promoting the transmission of natural gas in a reasonable environmentally acceptable manner.

B. **Administration**

1. **Permit Requirements** – In districts where gas compressors are permitted, a Special Use Permit shall be required for a placement of a new gas compressor.
2. **Pre-existing Gas Compressors** – All gas compressors existing or being contracted at the time of enactment shall be subject to the following conditions as listed below: C2c, Maintenance; C2d, Barriers; and C3, Identification Signs. These conditions shall be considered at a public hearing held a minimum of 30 days after the owner of the compressor station is notified in writing. All owners of parcels, as well as renters within 2,000 feet of the proposed /existing gas compressor shall be notified in writing of the public hearing. Compliance shall take place within 2 months of receipt of a written decision by the Board. A longer compliance period may be granted
by the Board, if the cost of the alterations are significantly high.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 622 – NATURAL GAS COMPRESSORS (CONTINUED)

C. **Conditions** – All gas compressors shall be located and designed such that the nuisances associated with the use shall be minimized. It shall be unlawful for any person or firm to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers comfort, repose, health, peace or safety to others. The following specific conditions shall be met:

1. **Location** – The site shall be appropriately located with consideration given to predominant wind direction, topography, location of dwelling units and any other reasonable conditions deemed necessary by the Board.
2. **Noise Levels** –
   a. **Easement** – All new gas compressors covered by this section must be located such that lands subject to a 40 decibels or higher noise level produced by a new compressor, shall be covered by a noise easement clearly delineating the maximum noise level allowed at any inhabited dwelling unit or proposed site of a dwelling unit. Pre-existing leases shall not negate the requirement for a noise easement as described above.
   b. **Certification of Noise Level** – Prior to being granted a permit for the placement of a gas compressor, the owner of the proposed compressor shall be responsible for verifying the compressor and quieting devices (silencer, low speed fan, barriers, such as walls or burns, ect.) as proposed will meet the specified decibel level requirements. A certified noise consultant must certify in writing that the requirements will be met. Additionally, after placement of the compressor is completed along with the specified quieting devices, the same certified noise consultant must verify that the 40 decibels requirements are not exceeded. This certification must be accomplished within 30 days or the compressor shall be only operational during daylight hours until it is brought into compliance.
   c. **Maintenance** – The compressor and quieting devices must be properly operated and maintained such that the noise level will not rise above the specified permissible levels. If it becomes apparent to the Board that the noise levels are not in compliance, the Board may require the owner of the compressor to do corrective maintenance and again, at the owner's expense, have the compressor noise level verified by a certified consultant. This certification must be accomplished within 30 days or the compressor shall be only operational during daylight hours until it is into compliance.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 622 – NATURAL GAS COMPREEORS (CONTINUED)

d. **Barriers** – Where it is deemed necessary, either a natural or man-made acoustical barrier may be required for the purpose of minimizing the nuisances associated with a gas compressor. In extreme cases, where no alternative is available, a fully enclosed acoustically designed structure may be required.

3. **Identification Sign** – Each gas compressor shall be identified with a conspicuously placed sign, identifying compressor, its location and the name of the person/company responsible for the unit, in case of an emergency. Additionally, a 24-hour emergency telephone number will be included.
4. **Other** – Any other reasonable conditions as deemed necessary by the Board.

D. **State Environmental Quality Review Law** – All permit requests for gas compressors shall be subject to an environmental review, in accordance with state law. No zoning permit shall be granted until this environmental review has been accomplished by the municipality.

SECTION 623 – UNLICENSED VEHICLES

A. **Purpose** – It is the intent of this section to minimize safety, health and aesthetic related problems by limiting the storage outdoors of vehicles.

B. **Unlicensed Motor Vehicles Allowed** – Not more than two unregistered/unlicensed vehicles shall be allowed to be maintained outdoors for every household for a period not to exceed six (6) months, and must meet the following conditions:

1. Has a valid NYS Inspection sticker and is operable.
2. In the Agricultural District, one additional unlicensed vehicle shall be allowed if it is in operable condition and is used for farm use, snow plowing or other general-purpose function. Active agricultural use vehicles, which are licensed once per year, are allowed under this section.
3. Vehicle must be located in compliance with Article IV, Area Standards for Accessory Uses.

C. No junk or abandoned motor vehicle shall be allowed to be stored outdoors in the Town of Stockton, except in an approved vehicle dismantling, scrap or junk yard.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 623 – UNLICENSED VEHICLES (CONTINUED)

D. A special permit application may be made annually for the seasonal outdoor storage of vehicles in all districts except "R" District and "L". The special permit shall require the applicant and/or the owner to cease the outdoor storage of any vehicle by October 1st. The special permit may specify other conditions. The failure to comply with all conditions of the permit shall be grounds for the Board to deny any subsequent application by the applicant or owner.

SECTION 624 – VEHICLE DISMANTLING, SCRAP AND JUNK YARDS*

A. Conditions – Prior to the granting of a Special Use Permit, assurance will be received that the following conditions will be met:

1. **Fences:**
   - **a.** Yards shall be completely surrounded with a solid fence for screening and security purposes of at least eight (8) in height.
   - **b.** There shall be located a gate in the fence which shall be kept locked at all times except when the vehicle dismantling or scrap yard is in operation.
   - **c.** The fence shall be located a minimum of fifty (50) feet from the road right-of-way.
   - **d.** All storage, dismantling and work on the vehicles or scrap shall take place within the fenced area.
   - **e.** The type of materials used shall be generally accepted by the industry and commonly used for fencing material. Fences shall be permanent and substantial.
   - **f.** Fences shall obscure or screen, adequately, the contents of the yard.
   - **g.** Fences shall be well maintained and aesthetically pleasing.

2. **Location Consideration:**
   - **a.** No new yards shall be located within the Township of Stockton.
   - **b.** Yards shall only be allowed to be expanded or enlarged in the Agricultural (A) Zone.
   - **c.** No yard shall be permitted within 500 feet of a church, school, public building or other place of assembly.
   - **d.** Yards shall not be permitted to be located upon areas where an eight- (8) foot high fence will not reasonably screen the contents from adjacent highways or properties.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 624 – VEHICLE DISMANTLING, SCRAP AND JUNK YARDS* (CONTINUED)

3. **Off-street Parking:**
   a. Sufficient off-street parking shall be provided for customers.

4. **Fire Safety:**
   a. The Fire Department shall be notified prior to the granting of a Special Use Permit for an expansion or enlargement of a yard and shall be given thirty (30) days within which to make comments or recommendations.
   b. Inside, adjacent to and contiguous with the fence, a strip of land at least ten (10) feet wide shall be kept clear of all dry grass or other growth or combustible material or storage of materials so as to provide a fire lane around the whole yard.
   c. Fire lanes of at least ten (10) feet wide shall be provided through-out the yard around each 40,000 square feet of storage area.
   d. There shall be maintained at least one (1) fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and visible.
   e. All vehicles, scrap and junk shall be disassembled by means other than burning. It shall be arranged in neat rows so as to permit easy, clear passage through the area.
   f. No drums, barrels, tanks or other vessels containing any kind of liquid, shall be stored outdoors at any time, except those tanks used regularly in the conduct of the applicant's business and in compliance with all applicable County, State and Federal regulations.

5. **Visual Considerations:**
   a. There shall be no stacking vehicles, scrap or junk over eight (8) feet in height above ground. However, vehicles and scrap, which have been crushed, may be loaded on to a bed of a truck where they will be removed from the premises within a reasonable time period.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 624 – VEHICLE DISMANTLING, SCRAP AND JUNK YARDS* (CONTINUED)

6. **Other Considerations:**
   a. Suitable sanitary facilities shall be provided in accordance with State Health Laws.
   b. Inspection of yards shall be allowed at any time to insure compliance with this and other laws.
   c. Reasonable hours of operation shall be defined as 8 AM to 8 PM.
   d. Other conditions may be imposed as is deemed necessary.

7. **Annual Permit:**
   a. It shall be unlawful to operate any yard within the Town of Stockton unless a valid permit issued by the Code Enforcement Officer in the name of such person for specific yard. All applications for permits shall be made to the Code Enforcement Officer who shall issue a yearly permit upon compliance by the applicant with all provisions of this law and regulations issued hereunder and any other applicable legal requirements.
   b. Each person holding permit shall give notice in writing to the Code Enforcement Officer within 24 hours after having sold, transferred, given away or otherwise disposed of interest in or control of any yard. Such notice shall include the name and address of the person succeeding to the ownership or control of such yard. Upon application in writing for transfer of the permit and payment of a fee of $25.00, the permit shall be transferred if the yard is in compliance with all applicable provisions of this law and regulations issued hereunder.
   c. Application for renewal of the permit shall be in writing, signed by the applicant on a form provided by the Town of Stockton and shall be accompanied by a fee of $150.00 due on the 1st of October of each year and shall contain the following: The location and legal address of the yard and copies of all current applicable County, State and/or Federal permits required to operate the business. Following an inspection of the yard by the Code Enforcement Officer and compliance with all provisions of this law, the yearly permit will be issued.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 624 – VEHICLE DISMANTLING, SCRAP AND JUNK YARDS* (CONTINUED)

d. Any person whose permit has been suspended or who has received notice from the Code Enforcement Officer that his/her permit will be suspended unless certain conditions or practices at the yard are corrected may request ($50.00 fee required) and shall be granted a hearing on the matter before the Zoning Board of Appeals, provided that when no petition for such hearing has been filed within ten (10) days following the day on which the notice of suspension was served, such permit shall be deemed to have automatically be revoked at the expiration of the ten (10) day period.

8. **Inspections:**

The Code Enforcement Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this law and regulations issued hereunder. The Code Enforcement Officer shall have the power to enter at reasonable times upon nay private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this law and regulations issued hereunder.

9. **Fees**

All other fees not specified set forth shall be as set by resolution of the Town Board. Further, the Town Board may amend those fees set forth herein by resolution from time to time.

B. **Pre-existing Yards** - All licensed yards in existence before the enactment of this law shall be subject to the provisions of this section and shall comply within one (1) year of being notified by the Code Enforcement Officer for the Town of Stockton. In addition, all licensed yards shall within three (3) months of being notified furnish a site plan (to scale) indicating boundary of the land it occupies, the limits of the current yard, including all roadways, fences and building(s) on the premises.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 625 – STORAGE STRUCTURES

A. **Purpose** – Storage structures are regulated to insure that they are properly located so as to protect the rights associated with neighboring properties with respect to visibility, light and air movement, fire safety and aesthetics.

B. **Administration** – All storage structures shall, as a minimum, require a Permit By Right while storage sheds over 150 square feet which are located in an Agricultural Residential and Residential District shall require a Special Use Permit. Multiple storage sheds shall be aggregately considered to determine if the 150 square foot requirement is surpassed.

C. **Conditions**

1. **Area requirements** – The accessory area requirements for each district shall be met.
2. **Lake shore Regulations** – Refer to the supplemental section on Lakeshore regulating for additional requirements for any storage shed which is proposed to be located on a parcel adjacent to a lake.

SECTION 626 – HEAVY VEHICLES

A. **Purpose** – This section has as its main purpose the preservation of densely developed neighborhoods and particularly the elimination of noise from diesel engines and air conditioning units caused by large commercial truck parking. Visual intrusion into residential neighborhoods is also a primary concern.

B. **Regulations** - Heavy vehicles shall comply with the following regulations:

1. **Location** – Heavy vehicles shall not be allowed to park in any district unless listed as a permitted use.
2. **Location Waivers** – In an emergency (e.g., truck breakdown) or for normal deliveries, the location requirements in B1, above shall be waived for a maximum of 48 hours.

C. **Pre-existing Heavy Vehicles** – This section shall apply to all heavy vehicles immediately, including those that have in the past, parked in such a manner so as not to be in compliance with this section.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 627 – LARGE GROUP GATHERINGS

A. **Purpose** – In order to promote safe and healthy gatherings of large groups of people, as defined in the definition section, certain conditions shall be complied with as defined below.

B. **Conditions** – Prior to the granting of a Special Use Permit, the following will be taken into consideration:

1. Traffic safety, parking, access
2. Noise
3. Health and sanitation
4. Character of neighborhood development density
5. Beverages to be served
6. Security and traffic control
7. Cleanup and restoration of land, and
8. Other appropriate considerations.

C. **Sponsor Responsibility** – The sponsor of any large group gathering shall be responsible for compliance with any conditions which are specially imposed as well as the overall conduct of the gathering.

D. **Exempt Gatherings** – Non-profit and local civic sponsored gatherings shall be exempt from permit requirements.

E. **Pre-existing Uses** – All gatherings held after the effective date of this Law shall be subject to this section.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 628 – ANIMALS IN RESIDENTIAL/COMMERCIAL DISTRICTS

Keeping of animals shall be regulated in the following manner:

A. **Commercial Operations Prohibited** – Animals, poultry and birds shall not be raised for profit or as a commercial venture. They shall be allowed when kept for recreational use or for home consumption of its products. This rule shall only apply to all districts where "agricultural land use" is not a permitted use.

B. **Nuisances** – Farm animals which create a nuisance due to odor, noise, ect., shall be prohibited in all districts where "agricultural land use" is not a permitted use.

C. **Horse & Cows** – The maximum number of horses or cows allowed shall be based on the acres of pasture available with 1-acre being required per horse or cow. Horses and cows allowed shall be fenced so as not to be able to come within 50 feet of adjacent residential structures nor within 10 feet of any boundary line. This rule shall apply to all districts where "agricultural land use" is not a permitted use.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 629 – MOBILE HOME STANDARDS

A. **Conditions** – In districts where mobile homes are allowed By Right- permit required ~~H~~, all of the conditions listed below shall be considered prior to the granting of a permit.

1. **Minimum Floor Space** – The original advertised floor space for a mobile home, excluding add-ons, shall be a minimum of 980 square feet ~~H~~. Other area requirements shall be met.
2. **Parking** – Off- street parking spaces in accordance with the supplemental section on parking.
3. **Skirting** ~~H~~ – Skirting shall be of painted galvanized, aluminum siding, vinyl siding, wood sheeting or masonry. The metal or vinyl used shall be similar in appearance to each other. The skirting must be installed within thirty (30) days of when the mobile home is placed on the lot and shall be properly maintained.
4. **Landscaping** – Landscaping appropriate to the neighborhood shall be considered.
5. **Additions** – All additions shall be in accordance with the New York State Uniform Code and shall be compatible with the construction of the mobile home.
6. **HUD** – All mobile homes shall be in accordance with HUD requirements.
7. **Storage** – Miscellaneous garage and recreational items traditionally stored under cover, shall not be stored outdoors, appropriate storage shall be supplied.
8. No mobile home over the age of five (5) years shall be moved into any district where such are permitted. The age is determined at the time of application and shall be governed by the model year given to the particular unit by the manufacturer and the calendar year in which the application is made.~~H~~
9. **Districts** – Mobile homes shall only be allowed in districts where mobile homes are specified.~~H~~
10. ~~H~~ **Other Considerations** – Any other reasonable conditions as deemed necessary by the Board, shall be considered for inclusion. See Supplemental section on general conditions for a list of possible conditions to include.
11. *The footings, piers or supports, shall be placed and extended below the frost line or a minimum depth of 42 inches below existing grade. Blocking and tie-downs for mobile homes shall be installed in accordance with manufacturers instructions and New York Uniform Fire Prevention and Building Code Requirements.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 629 – MOBILE HOME STANDARDS

B. ~~H~~ **Pre-existing Uses** – Pre-existing mobile homes shall comply with provisions of 1-A-2 with respect to parking requirements and any and all skirting requirements and/or regulations then in effect when the original permit was issued. These conditions shall be met within three months from the date of written notification from the Code Enforcement Officer.

C. **Replacing Existing Mobile Homes** ~~H~~ – Any replacement of a pre-existing mobile home previously permitted shall be in accordance with all then applicable rules and regulations at the time application for the replacement or the substitution is made and any replacement or substitution shall require a new permit prior to such replacement and/or substitution.

D. @Any relocation of a mobile home within the Town of Stockton, either on the same parcel or different parcel of land, shall require a permit and meet all the requirements of this section.

SECTION 630 – MOBILE HOME PARKS

A. **Conditions** – Mobile home parks shall comply with the following standards:

1. **Area Setback and Requirements**

a. **Size** – Parks shall consist of a minimum of 5 acres and shall be designed to meet area requirements as stated in Chautauqua County Sanitary Code Article 4 as from time to time amended.
b. **Buffer** – An appropriate vegetation or open space buffer shall be located around perimeter of the park. Type and size of the buffer shall be determined by the density and type of adjacent uses and the need for separating the uses. As a minimum, a 25-foot buffer (open space or vegetation) shall be required with the Permitting Board determining the need for a greater buffer.
c. **Setback** – All mobile homes and other development shall be located a minimum of 100 feet from the edge of any public road. Mobile homes shall be setback a minimum of 20 feet from the edge of the park's private road.
d. **Lot** – Each mobile homes shall be located on the which is a minimum of 5,000 square feet, and a minimum of 50 feet in width. The width requirement can be waived for corner lots.
e. **Side Yard** – Mobile homes to include enclosed additions shall be spaced a minimum of 25 feet each other.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 630 – MOBILE HOME PARKS (CONTINUED)

f. **Floor Space** – The minimum floor space allowed for mobile home placed in a park shall be 800 square feet. Add-ons shall not be used in calculating size. Additionally, all mobiles homes shall be in accordance with the NYS Uniform Code as well as HUD requirement.

2. **Streets and Walkways**
   a. Entrance and exits to the park shall be safety designed.
   b. Private roads shall be a minimum of 20 feet wide and shall as a minimum be carpet coated, graveled or paved and be approved by the fire chief for use by emergency vehicles.
   c. Private Roadways shall be maintained in such a manner so as to permit safe travel year-round (e.g., free of snow and ruts.)
   d. Walkways from the edge of the street to door shall be required in addition to a patio for each mobile home.

3. **Parking**
   a. Off-street parking shall be provided with a minimum of 400 square feet for each mobile home with gravel, carpet coating or paving being used.
   b. Sufficient auxiliary parking shall be provided for trucks, boats, travel trailers, ect.

4. **Recreation**
   a. Open space and recreational areas shall be set aside and improved at central locations at a rate of 700 square feet per mobile home. They shall be maintained in a manner conducive to recreational use.

5. **Skirting**
   a. Mobile homes shall be skirted within 30 days from the time of setup.

6. **Outdoor Storage** – Due to the limited lot sizes and close proximity of mobile homes no outdoor storage of tools, materials, equipment, junk or any other items other than registered vehicles or patio-related items shall be allowed. Where storage sheds are necessary to comply with this requirement, they shall be located in rear yards and out-of-sight to the greatest degree possible, substantially anchored and well maintained.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 630 – MOBILE HOME PARKS (CONTINUED)

7. **Accessory Retail or Service Uses** – Accessory uses such as recreational facilities, convenience stores, laundromats and mobile home sales/service, customarily associated with mobile home parks shall be permitted. However, the land utilized in this manner should not account for more than 5% of the total area of park and all uses except for mobile sales, shall be utilized only by the occupants of this park. Finally, no commercial character shall be visible from outside the park and such services shall only be allowed when the number of sites is sufficient to support these services.

8. **Permit Required** ~~H~~ – Replacement or installation of any mobile home within a mobile home park shall require a permit from the Town of Stockton Code Enforcement Officer.

B. **Bond** – At the discretion of the Board, the developer may be required to obtain an appropriate bond to insure compliance with conditions attached to Special Use Permit/Site Plan Review.

C. **Review** – The Planning Board shall be notified of the request for a mobile home park permit and shall have the opportunity to make recommendations.

D. **Pre-existing Parks** – Mobile home parks in existence before the enactment of this Law shall be subject to the following regulations:

1. Mobile home shall be skirted with an attractive fire-resistant material within 6 months.
2. Enlargements or expansions of all mobile home parks in existence before the enactment of this Law shall comply with all regulations in this Law to the extent determined by the Board.
3. Off-street parking shall be provided within 1 year, where reasonable.
4. Other reasonable conditions for mobile home parks in existence before the enactment of this Law as deemed necessary.

E. **Permits** ~~H~~

It shall be unlawful to operate any mobile home park within the Town of Stockton unless a valid permit issued by the Code Enforcement Officer in the name of such person for the specific mobile home park. All applications for permits shall be made to the Code Enforcement Officer who shall issue a yearly permit upon compliance by the applicant with all provisions of this law and its regulations issued hereunder and of any other applicable legal requirements.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 630 – MOBILE HOME PARKS (CONTINUED)

Permits (Continued)

Each person holding a permit shall give notice in writing to the Code Enforcement Officer within 24 hours after having sold, transferred, given away or otherwise disposed of any mobile home park. All applications for permits shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application in writing for transfer of the permit and payment of a fee of $25.00, the permit shall be transferred if the mobile home park is in compliance with all applicable provisions of this law and regulations issued hereunder.

Application for original permit shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the payment of a fee of $25.00 and shall contain: The location and legal description of the mobile home park and a site plan of the mobile home park showing, lots, structures, roads, walk-ways and other service facilities.

Applications for renewals of the premises shall be in writing on a form provided by the Town of Stockton by the holder(s) of the original permits and shall be accompanied by a fee of $25.00 or $2.50 per lot (whichever is greater) and shall contain any changes in the information submitted since the original permit was issued or the latest renewal was granted. Following an inspection of the park by the Code Enforcement Officer and compliance with all provisions of this law, the yearly permit will be issued. (Yearly permit shall be due on the 1st of April of each year)

Whenever upon inspection of any mobile home park, the Code Enforcement Officer finds that conditions or practices exist which are in violation of any provision of this law or legal regulations issued hereunder, the Code Enforcement Officer shall give notice in writing to the person to whom the permit was issued that unless such conditions or practices are corrected within a reasonable period of time, given the nature of the alleged violation specified in the notice by the Code Enforcement Officer, the permit shall be suspended. At the end of such period, the Code Enforcement Officer shall re-inspect the mobile home park and if such conditions or practices have not been corrected, he shall suspend the permit and give notice in writing of such suspension to the person to whom the permit is issued. Upon receipt of such suspension, such person shall cease operation of such mobile home park.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 630 – MOBILE HOME PARKS (CONTINUED)

Permits (Continued)

Any person whose permit has been suspended, or who has received notice from the Code Enforcement Officer that his/her permit will be suspended unless certain conditions or practices at the mobile home park are corrected may request ($50.00 fee required) and shall be granted a hearing on the matter before the Zoning Board of Appeals, provided that when no petition for such hearing has been filed within ten (10) days following the day on which notice of suspension was served, such permit shall be deemed to have automatically revoked at the expiration of the ten (10) day period.

F. Inspections

The Code Enforcement Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this law and regulations issued hereunder. The Code Enforcement Officer shall have the power to enter, at reasonable times, upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this law and regulations issued hereunder. The Code Enforcement Officer shall have the power to inspect the register containing a record of all residents of the mobile home park.

It shall be the duty of the owners or occupants of the mobile home park and mobile homes contained therein or of the person in charge thereof, to give the Code Enforcement Officer free access to such premises at reasonable times for the purpose of inspections. It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employees access to any part of such mobile home park or premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this law and regulations issued hereunder, or with any lawful order issued pursuant to the provisions of the law, or with the requirements of the New York State Codes for construction and installation of mobile homes. The word pension shall include corporation, partnership or other legal entity.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 631 – TEMPORARY DWELLING UNITS

A. **Purpose** – The primary purpose of this section is to limit the use of travel trailers and other temporary dwelling units to uses for which they are intended, namely, seasonal/recreational use. Ultimately, the protection of neighborhoods is promoted with the respect to health and general quality. Commercial travel trailer parks are not subject to regulation under this section.

B. **Inhabitation Time** – Temporary Dwelling Units may be inhibited by non renters, on a temporary basis in accordance with the following chart. A Special Use Permit must be obtained to place a temporary dwelling unit.

District	Maximum Number of Days Inhabited Per Time Period
Residential & Commercial	14 Days per 2 months
Other "Rural"	90 Days per 12 months

C. **Conditions**

1. **Storage** – A temporary dwelling unit may be stored (uninhibited) on any lot indefinitely, except on lakefront lots which are regulated by the supplemental section on lakeshore regulation.
2. **Setbacks** – Area requirements (e.g., side yard requirements) shall be met.
3. **Utilities** – Permanent utility systems, used exclusively for temporary dwellings in residential or commercial districts, shall not be constructed.
4. **Nuisances** – Accessory dwelling may not be utilized in such a manner so as to cause a nuisance.
5. **Field Offices** – Contractors may use temporary dwellings for "field offices" after obtaining a Special Use Permit. Additionally, temporary dwelling units may be utilized by owner/builders during construction of a structure. Temporary Special Use Permits shall be valid up to 1 year.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 632 – TEMPORARY MOBILE HOMES

A. In conjunction with construction (inhabited)-

1. **Administration** – A temporary Special Use Permit may be applied for in conjunction with the construction of a dwelling unit.
2. **Conditions** – The following conditions may be attached to the permit:

   a. A time schedule for commencement and completion of the dwelling unit. As a minimum, construction on the dwelling unit shall begin within 1 year from the date when the mobile home is placed temporarily on the lot. A 6-month extension may be granted where circumstances warrant such an extension.

   b. The placement of the mobile home on the lot shall be in accordance with area standards unless the Permitting Board determines that such conforming placement would not be practical, in which case the conditions will be specified.

   c. Mobile homes granted a Temporary Special Use Permit shall be required to be skirted.

B. Not inhabited-

1. **Administration** – A mobile home may not be stored uninhabited within any district.
2. **Pre-existing Mobile Homes** – Non-inhabited mobile homes pre-existing at the time of the enactment of this Law shall be removed within 6 months of notification.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 633 – TRAVEL TRAILER PARKS (COMMERCIAL CAMPGROUND)

Travel trailer parks shall comply with the following standards:

A. Area & Setbacks

1. All lots (pads) shall be a minimum of 75 feet from any highway.
2. A 20-foot wide buffer zone of appropriate vegetation shall be provided around the circumference of the park where adjacent property use is of such nature that there could be conflicts.
3. Minimum lot sizes shall be 2,000 square feet for a vacation camp and 1,200 square feet for overnight camps.

B. Streets & Walkways

1. Access to the park must be designed to assure safe and convenient movement of traffic into and out of the park with a minimum disruption of traffic on adjacent public roadways.
2. Walkways shall be provided to service buildings.

C. Parking – Off-street parking, loading and maneuvering space shall be provided.

D. Occupancy – The maximum length of occupancy per year shall be 8 months. Trailers shall not be utilized as a permanent residence.

E. Accessory Uses – Accessory uses such as, snack bars, recreational facilities, showers, laundromats, ect., customarily associated with travel trailer parks, shall be permitted. However, the land in this manner should not account for more than 10% of the total area of the park and the services shall be directed towards occupants of the park. Finally, no commercial character shall be visible from outside the park and such services shall only be allowed when the number of sites is sufficient to support these services.

F. Location – Parks shall not be located so as to cause heavy traffic to be directed through residential areas not accustomed to heavy traffic.

G. Every travel trailer park shall have a county health department approved sewer system.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 634 – FUEL TANKS

A. **Purpose** – The purpose of this section is to promote the safety of residents in residential districts from fire and explosion resulting from gasoline/volatile liquid tanks. As a secondary purpose, the maintenance of aesthetic values in residential neighborhoods is also promoted.

B. **Prohibition of Gasoline/Volatile Liquid Tanks** – In districts where gasoline/volatile liquid tanks are not listed as allowable uses, they shall be prohibited. In districts where said tanks are allowed with "no permit", no conditions shall be specified except area (setback, ect.) requirements.

SECTION 635 – AIRCRAFT LANDING STRIP

A. **Purpose** – In order to protect residents from the creation of unsafe conditions or nuisances, the following conditions shall be considered prior to the granting of any permit for an aircraft landing strip.

B. **Conditions**

1. Location – Potential airstrips should be located such that they are a minimum of 300 feet from any dwelling and also not more than 10 dwellings are within 500 feet of any portion of the actual runway.
2. Posted Signs – Airstrips shall be posted with signs of sufficient quantity to alert any person entering the area that the aircraft may be present.
3. No dwellings shall be in the immediate clear area of the ends of the airstrip.
4. All commercial development proposed to be located on the airstrip property must be allowed in that district.
5. Referral to State- Prior to acting on nay aircraft landing strip permit request, the Board shall, by resolution, request the NYS DOT Commissioner to review the proposed airstrip and make a recommendation in accordance with Section 259 of General Business Law.

C. **Permit Requirements** – All request for permits shall include a description of the type and the quantity of aircraft using the facilities, frequency of flights, a map drawn to scale showing the airstrip and prevailing winds as well as dwellings in the neighborhood and proposed commercial development.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 636 – TOPSOIL/EXCAVATION

During the construction of a foundation, general landscaping or any other extensive excavating project, a person, firm, corporation, ect., shall not strip, excavate or otherwise remove soil/gravel unless the following conditions are met:

A. **Topsoil** – Topsoil is replenished or left with sufficient amounts to support future development needs.

B. **Groundwater Runoff** – Runoff will not be caused to flow into neighboring properties, to pool or cause erosion.

C. **Time Requirement** - All above conditions shall be met within 1 year from the time the project started. However, the Board shall have the power to grant extensions or shorten the time frame for just cause after receiving a written request, which includes the reasons for the request.

SECTION 637 – OUTSIDE WOOD FURNACES

Outside wood furnaces are allowed however, fuel for these units will be wood only. Petroleum products and garbage will not be burned in such furnaces.

SECTION 638 – TRASH STORAGE IN PRIVATE YARDS ~~H~~

A. Purpose – It is the intent of this section to minimize safety, health and aesthetically related problems by controlling the storage of trash in accordance with this section.

B. **Conditions for temporary storage:**

1. **Quantity** – Trash may be temporarily stored or collected if it does not exceed the following limits in each district.

District	Maximum
"R"	None
"AR"	500
"A"	500
"I"	500
"B"	None
"L"	None

ARTICLE VI
SUPLEMENTAL REGULATIONS

SECTION 638 – TRASH STORAGE IN PRIVATE YARDS (CONTINUED)

2. Only trash originating from the parcel on which it is placed shall be allowed.

3. **Location** – Trash must be stored in one contiguous location. All accumulation of trash created after the enactment of this Law shall be out of sight of highways and adjacent properties to the greatest possible. Additionally, new accumulations of trash shall be placed a minimum of 200 feet from any parcel boundary of public roadway.

4. **Buffer** – Trash shall be located as to be not visible from adjacent properties and roadways and natural or artificial barriers or buffers (e.g. fences, shrubs, ect.) shall be used to screen the trash.

5. **Disposal** – Trash shall be stored only as long as necessary and shall be disposed of in a timely manner, not to exceed thirty (30) days.

6. **Pre-existing** – These conditions shall apply to all trash existing at the time of enactment of this Law.

7. Trash originating from outside or off the parcel shall not be allowed to be stored or collected on any parcel within the Town, unless otherwise permitted by law.

C. **Dumpsters or Collection Boxes** – All dumpsters or collection boxes located on a site for thirty (30) days or more shall comply with the following regulations:

1. **Location** – Dumpsters or collection boxes shall be located o private property at a location approved by the Code Enforcement Officer.

2. **Buffer** – A suitable buffer may be required

3. **Covers** – All dumpsters or collection boxes shall have tops and covers, which shall be utilized at all times.

4. **Pre-existing** – Dumpsters or collection boxes existing at the time of enactment of this law shall comply with these regulations within six (6) months from the date of the enactment. Any claim of hardship or inability to comply shall be referred to the Code Enforcement Officer, whose ruling may be appealed to the Zoning Board of Appeals, whose decision will be final.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 639 – RECYCLING/SAVAGE YARD, SCRAP METAL/PROCESSING YARDS.@

A. **Conditions** – Prior to the granting of a Special Use Permit, assurance will be received that the following conditions are met:

1. **Fences** –

   a. Yards shall be completely surrounded by a solid fence for screening and security purposes of at least eight (8) feet in height.
   b. There shall be located a gate in the fence which shall be kept closed at all times when the yard is in operation.
   c. The fence shall be located a minimum of fifty (50) feet from the road right-of-way.
   d. All storage, dismantling and work on scrap shall take place within the fenced area.
   e. The type of materials used shall be generally accepted by the industry commonly used for fencing material. Fences shall be permanent and substantial.
   f. Fences shall obscure or screen, adequately, the contents of the yard.
   g. Fences shall be well maintained and aesthetically pleasing.

2. **Location Consideration** –

   a. Yards shall only be allowed to be expanded or enlarged in the Agricultural (A) Zone.
   b. No yard shall be permitted within 500 feet of a church, school, public building or other place of public assembly.
   c. Yards shall not be permitted to be located upon areas where an eight (8) foot high fence will not reasonably screen the contents from the adjacent highways or properties.

3. **Off-street Parking** –
   Sufficient off-street parking shall be provided for customers.

4. **Fire Safety** –

   a. The Fire Department shall be notified prior to the granting of a Special Use Permit for a yard and shall be given thirty (30) days within which to make comments or recommendations.
   b. Inside, adjacent to and contiguous with the fence, a strip of land at least ten (10) feet wide shall be kept clear of all dry grass for other growth or combustible materials so as to provide a fire lane around the whole yard.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 639 – RECYLING/SALVAGE YARD, SCRAP METAL/PROCESSING YARDS. (CONTINUED)

c. Fire lanes of at least ten (10) feet wide shall be provided throughout the yard around each 40,000 square feet of storage area.
d. There shall be maintained at least one (1) fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and visible.
e. All Recycling/Salvage and Scrap Metal Processing shall be disassembled by means other than burning. It shall be arranged in neat rows so as to permit easy, clear passage through the area.
f. No drums, barrels, tanks or other vessels containing any kind of liquid shall be stored outdoors at any time except those tanks used regularly in the conduct of the applicant's business and in compliance with all applicable County, State and Federal regulations.

5. **Visual Considerations –**

a. There shall be no stacking over eight (8) feet in height above ground. However, vehicles and scrap which have been crushed, may be loaded on to the bed of a truck where they will be removed from the premises within a reasonable time period.

6. **Other Considerations –**

a. Suitable sanitary facilities shall be provided in accordance with State Health Laws.
b. Inspection of yards shall be provided at any time to insure compliance with this and other laws.
c. Reasonable hours of operation shall be defined as 8 am. To 8 p.m.
d. Other conditions may be imposed as is deemed necessary.

7. **Annual Permit –**

a. It shall be unlawful to operate any yard within the Town of Stockton unless a valid permit issued by the Code Enforcement Officer in the name of such person for the person the specific yard. All applications for permits shall be made to the Code Enforcement Officer who shall issue a yearly permit upon compliance by the applicant with all provisions of this law and regulations issued hereunder and any other applicable legal requirements.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 639 – RECYCLING/SALVAGE YARD, SCRAP METAL/PROCESSING YARDS (CONTINUED)

b. Each person holding a permit shall give notice in writing to the Code Enforcement Officer within 24 hours after having sold, transferred given away or otherwise disposed of interest in or control of any yard. Such notice shall include the name and address of the person succeeding to the ownership or control of such yard. Upon application in writing for transfer of the permit and payment of a fee of $75.00, the permit shall transferred if the yard is in compliance with all applicable provision of this law regulations issued hereunder.

c. Application for renewal of the permit shall be in writing, signed by the applicant, on a form provided by the Town of Stockton and shall be accompanied by a fee of $75.00 due on the 1st of October each year and shall contain the following: The location and legal address of the yard and copies of all applicable county/state and/or federal permits required to operate the business. Following an inspection of the yard by the Code Enforcement Officer and compliance with all provisions of this law, the yearly permit will be issued.

d. Any person whose permit has been suspended or has received notice from the Code Enforcement Officer that his/her permit will be suspended unless certain conditions or practices at the yard are corrected may request ($30.00 fee required) and shall be granted hearing on the matter before the Zoning Board of Appeals, provided that when no petition for such hearing has been filed within ten (10) days following the day on which the notice of suspension was served, such permit shall be deemed to have automatically be revoked at the expiration of the ten (10) day period.

8. Inspections –

a. The Code Enforcement Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this law and regulations issued hereunder.

9. Fees - All other fees not specified set forth shall be as set by resolution of the Town Board. Further, the Town Board may amend these fees set forth herein by resolution from time to time.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 639 – RECYCLING/SALVAGE YARDS, SCRAP METAL/PROCESSING YARDS (CONTINUED)

B. **Pre-existing Yards** – All yards in existence before the enactment of this law shall be subject to the provisions of this section and shall comply within one (1) year of being notified by the Code Enforcement Officer for the Town of Stockton. In addition, all yards shall comply within three (3) months of being notified, furnish a site plan to scale, indicating boundary of the land it occupies, the limits of the current yard, contents of the yard, including a list of materials and their area of storage, including all roadways, fences, building(s) on the premises.

SECTION 640 – KENNEL@

A. **Requirements** – All persons operating a Kennel in the Town of Stockton must obtain a Town of Stockton Kennel License. All persons operating a Kennel on their own property or leasing property for the operation of a Kennel in the Town of Stockton must have a Special Use Permit.

B. **Special Use Permit** –

1. A Special Use Permit for the operation of a Kennel may be issued to an applicant whose property is located in any district where the operation of a Kennel is currently allowed under the Town of Stockton Zoning Law. Such application shall include:
   a. A diagram which displays the Kennel building(s) and all other inhabited dwellings or other structures in the Kennel(s).
   b. Any other information deemed appropriate by the applicant and/or the Town of Stockton, Zoning Board of Appeals.
   c. The maximum number and breed of the animals to be kept in the Kennel(s)
   d. The method of disposing of and controlling waste produced by the animals in the Kennel(s).
   e. Any other information deemed appropriate by the applicant and/or the Town of Stockton, Zoning Board of Appeals.

2. In reviewing the application for a Special Use Permit, The Town of Stockton shall consider the following:
   a. Whether adequate space for housing and running the animals is being provided.
   b. Whether the buffers being provided will adequately muffle sounds made by the type and number of animals to be housed at the kennel.
   c. Whether the means of disposing of waste is adequate.
   d. Any other factors which will protect the health, safety and well being of the residents of the Town of Stockton.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 640 – KENNEL (CONTINUED)

3. All other provisions of the Town of Stockton, Zoning Law relating to the application and review of Special Use Permits shall be applicable to the Special Use Permit for Kennels.

C. Kennel License-

1. Within thirty (30) days of approval by the Zoning Board of Appeals of a Special Use Permit for a Kennel, or within seven (7) consecutive days of arrival of five (5) or more dogs or cats over the age of six (6) months on the premises, including dogs or cats that were on the premises prior to theto acquisition of the fifth (5th) animal, the operator of said kennel must apply for and obtain a Town of Stockton Kennel License. Such application must be accompanied by the license fee as designated by the Town Board. Any municipal dog pound or not-for-profit shelter is exempt from the license fee.

2. Such license is valid for one (1) year. An applicant may renew such license annually, within thirty (30) days of expiration of the license.

3. The Town may refuse to grant a license to an applicant, or may revoke a license if any of the following **are found:**

   a. There is material and deliberate misstatement in the application for the Kennel License.
   b. The applicant has been convicted of violating any federal, state or local law relating to the disposition and/or treatment of animals.
   c. The applicant has failed to provide adequate food, housing, water or sanitary conditions for one (1) or more animals under the control of the applicant, as defined by this Law, the New York State Agricultural and Markets Law and the USDA as revealed in the inspection procedures as outlined below.
   d. The applicant operates or has a Kennel without a valid New York State and/or Town of Stockton Kennel License.

4. Issuance of a Town of Stockton, Kennel License grants upon the Town the authority to conduct inspections of the Kennel premises as necessary to determine satisfactory compliance with this law and regulations issued hereunder. The Code Enforcement Officer for the Town of Stockton shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this law and regulations issued hereunder.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 640 – KENNEL (CONTINUED)

D. Violations, Suspensions and Revocations –

1. The Code Enforcement Officer upon conducting an inspection and discovering a violation of this law, shall notify the permit and/or license holder of such violation by means of an inspection report and/or other written notice.

   a. The notification shall set forth the specific violation(s) found.
   b. The notification shall establish a specific period of time for the correction of the violation(s) founds. (Such specific time shall not be less than 10 days)
   c. The notification shall specify that failure to comply with any notice issued in accordance with this section shall result in immediate suspension of the license.
   d. The notification shall specify that an opportunity for appeal to the Zoning Board of Appeals will be provided if a written request along with required fee is filed with the Town of Stockton within five (5) days of the suspension notification.

2. The Town reserves the right to take all other lawful action under other Local or State law/rule or regulation.

E. Penalties -
Failure to comply with the terms of the License or the Special Use Permit, to obtain a License and /or a Special Use Permit as required by this law, or to comply with the inspection requirements of this law shall be a violation punishable by a maximum penalty of $250.00 and fifteen (15) days in jail.

F. Pre-existing Kennels –

All Kennels are herein defined under this section in existence before the enactment of this law shall be subject to all provisions of this section upon adoption and filing of same with the Secretary of State.

ARTICLE VII
ADMINISTRATION BY ENFORCEMENT OFFICER

SECTION 701 – ENFORCEMENT

This Law shall be enforced by the Code Enforcement Officer, who shall be appointed by the Town Board, pursuant to Town Law. No building permit shall be issued by him except where there is to be compliance with all provisions of this Law.

SECTION 702 – DUTIES

It shall be the duty of the Enforcement Officer in connection with this Law to do the following:

A. **Permits** – Issue building/zoning permits or refuse to issue the same and give the reasons for such refusal to the applicant.

B. **Records** – Keep a record of all applications for permits and record of all permits issued with notification of all special conditions involved.

C. **Fees** – Receive all required fees and deposit them with the Town Clerk.

D. **Coordinator** – Keep the Board, the Board of Appeals and the Planning Board informed and advised of all matters, other than routine matters in connection with this Law.

E. **Reports** – Submit such reports as may be deemed necessary.

F. **Assist Applicants** – Whenever possible advise and assist persons applying for building permits with the preparation of their applications.

G. **Violations** – Assist in securing warrants and prosecution of violators of the provisions of Law.

H. **Notices** – Serve or cause to be served all notices that may be required to be served in connection with this Law.

I. **Fire Inspection** – Notify Fire Code Inspector of all permits issued.

J. **Building Code Inspections** – Notify Building Code Inspector of all permits issued.

K. **Amendment Recommendations** – Make recommendations for keeping the Zoning Law and accompanying map up-to-date.

ARTICLE VII
ADMINISTRATION BY ENFORCEMENT OFFICER (CONTINUED)

SECTION 702- DUTIES

L. Inspections – Inspect new construction or changes of use during and/or after construction or change in use to insure conformity with the provisions of this Law and other applicable laws.

M. Flood Insurance – Administer the National Flood Insurance Program in accordance with the following:

1. **Insure Needed Permits are Obtained-**
Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

2. **Maintain Flood Carrying Capacity** – Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. "Adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent over-bank areas.

   a. If it is determined that there is no adverse effect, then the permit shall be granted consistent with the provisions of this Local Law.
   b. It is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

3. **Use of Other Base Flood Data** – When base flood elevation data has not been provided in accordance with **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**, the Zoning Officer shall obtain, review and reasonable utilize any base flood elevation data available from a federal, state or other source in order to administer the Flood Plain section, "Specific Standards", found under District Regulations.

4. **Information to be obtained and maintained** –

   a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.

ARTICLE VII
ADMINISTRATION BY ENFORCEMENT OFFICER (CONTINUED)

SECTION 702 – DUTIES

b. For all new or substantially improved flood-proofed structures:

1. Obtain and record their actual elevation (in relation to mean sea level) to which the structure has been flood-proofed and:
2. Maintain the flood proofing certifications required.

c. Maintain for public inspection all records pertaining to the provisions of this Local Law.

5. Alteration of Watercourses –

a. Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

N. Maintain wetland maps and advise applicants of possible restrictions imposed by federal and/or state governments.

SECTION 703 – PERMITS

A. Permit Required – No building, structure, accessory uses, or lot shall be erected, added to, structurally enlarged or changed to another use until a zoning permit has been issued by the Enforcement Officer. Excluded, however, from these permit requirements are:

1. Interior modifications unless additional dwelling units or different types of uses are created and
2. Home repairs or improvements not involving additions or enlargements of floor space.
3. Refer to Article IV, District Regulations, for other exclusions.

ARTICLE VII
ADMINISTRATION BY ENFORCEMENT OFFICER

SECTION 703 – PERMITS (CONTINUED)

B. **Permit Contents** – The application for a permit shall be made on a form obtained from the Officer. The form shall, as a minimum, contain the following:

1. Applicant information – name, address, ect.
2. Property identification – street address and Section/Block/Lot
3. Project description, including purpose – proposed use
4. Construction type – height, family units, lot dimension, setbacks, accessory buildings, ect.
5. Other information – copy of Health Department Permit, off-street parking, location of wetlands, flood plains, need for curb cut
6. Signature of applicant, and
7. Plot plan drawn to approximate scale showing the lot size, setback, highways, existing and proposed structures and any other pertinent features as determined by the Enforcement Officer.

C. Commercial Permit Requirements – All applications for permits for commercial buildings must contain information detailing drainage and landscaping plans, off-street parking, off-street loading and any other data the Board deems necessary.

D. Flood Permits – A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for development permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to, plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

E. **Validity** – Building permits shall be valid for a 1year period only. Within 1 year from the date that the building permit is granted, the exterior of the structure shall be completed, back-filling and rough grading will be accomplished and no new building materials will be stored outside. One-year extensions shall be allowed for just cause in the "A", "AR", "R", and "I" Districts.

ARTICLE VII
ADMINISTATION BY ENFORCEMENT OFFICER

SECTION 703 – PERMITS (CONTINUED)

F. **Notification of Adjacent Property Owners** – In addition to the public notice required under Section 267-a, of the Town Law, a copy of said public notice shall be mailed, first class mail, to the owner or owners of adjacent parcels of lands to the address last shown on the records of the Town Assessor, in all applications for Special Use Permits, Variances or Administrative Reviews. Failure of such adjacent property owners to receive such notice, However, shall not be a basis for invalidating such a building permit, nor of contesting the actions of the Officer, Board of Appeals, Planning Board or the Board in regard to the issuance or withholding of such permit.

G. **Decisions -**

1. All decisions by the Code Enforcement Officer to grant or deny a zoning permit shall be made in writing within 21 days from the time that the completed zoning permit form is submitted along with full payment of the required fee.
2. The decision form shall, as a minimum, include a project description, location information, reference to section of the Zoning Law, which would not be complied with and a description of alternatives open to the applicants who are turned down.

TOWN OF STOCKTON
OFFICE OF ZONING AND CODE ENFORCEMENT
FEE SCHEDULE ADOPTED –11-10-05

ARTICLE VII
ADMINISTRATION

SECTION 704 – SCHEDULE OF FEES

BUILDING/ZONING PERMITS:

Hearing Applications: Special Use Permit, Area Variance, Use Variance & Interpretation Variance.....$50.00

Certificate of Occupancy.....$35.00

Manufactured Homes: Mobile Home or Cabin.....Includes C of O $110.00

Conventional Modular Stick Homes- single & doublewide- Inc. C of O.....$150.00

Additions & Alterations.....$25.00
plus .04 sq. ft. exceeding 700 sq. ft

Garages, Pole Structures & Accessory Buildings.....$25.00

Signs-up to and including 4' x 6'.....$25.00

Signs-larger than 4' x 6'.....$50.00

Tennis Courts & Swimming Pool-above ground.....$15.00

Swimming Pool-in ground.....$25.00

Annual Travel Trailer.....$10.00

MultipleHousing.....$0.08/sq.ft.

Commercial Building..... $.08/ sq. ft.

Solid Fuel Burning Appliance-wood & pellet stove.....$15.00

Miscellaneous Permit-Decks, Garages, Porches, Accessory Buildings.....$25.00

Privacy Fence Permit –up to 4'..... No Fee

Demolition Permit Notice- deletes building from tax roll.....No Fee

TOWN OF STOCKTON
OFFICE OF ZONING AND CODE ENFORCEMENT
FEE SCHEDULE ADOPTED –12-03-03

The schedule of fees for the Building Permits for each new dwelling or structure shall be as follows.

Floor areas shall be based on outside dimensions of the structure. However, Floor Area shall not include non-habitable basement, attic, but shall include garage or carport area.

Building Permits/Zoning Permits shall be valid for One Year.

Construction or installation started prior to the application for any permit required shall result in the required fee being Tripled.

GENERAL LICENSING/ANNUAL PERMITS:

Recycling/Salvage Yard & Junk Yard Inspection Fee.....$75.00

Fire Safety Inspection.....$35.00

Mobil Home Park, Inspection.....$50.00

Kennel License/1-10 Dogs.....$25.00

Kennel License/11-25 Dogs.....$50.00

Kennel License/26 or more Dogs.....$100.00

TELECOMMUNICATIONS

Tower Facility/One Antenna Application Fee.....$3,500.00

Antenna Change/Modification or Co-Location/Existing Structure.....$1,000.00

Additional New Antennae Building Permit per lineal ft. from grade to upper-most point of new antennae.....$20.00

C. ‡‡ ***Not withstanding any other provision of this law, fees for all matters covered***

By this Zoning Law, as amended from time to time shall be fixed by resolution of the Town Board of the Town of Stockton.

ARTICLE VIII
NON-CONFORMING USES

SECTION 801 – CONTINUATION

The lawful use of any building or land existing at the time of the enactment of the is Law may be continued although such use does not conform with the provisions of this Law. However, all legally pre-existing uses, which do not conform with the specific provisions of this Law, shall not be required to comply with these provisions unless it is specifically stated within this Law that they must comply within a certain reasonable time period.

SECTION 802 – ALTERATION OF STRUCTURES

A. **Unsafe Structures -** Non-conforming buildings damaged by fire, wind and Other catastrophic causes as well as structures declared to be unsafe due to general dilapidation may not be restored or rebuilt for a non-conforming use.

B. **Alterations of Structures** – A non-conforming structure may be added to or Altered during its life to an extend of up to 50% of the market value of the building. As long as the alterations do not cause the structure to be more non-conforming. If the alterations are made to bring the building into conformity with all provisions of this Law, then the 50% rule does not apply. Alterations above 50% shall be allowed if all conditions of this Law are met.

SECTION 803 – PRIOR APPROVED CONSTRUCTION

Nothing herein contained shall require any change in plan, construction or designated use of the building for which a building permit has been heretofore issued and the construction of which shall have been diligently carried on within 3 months of the date of such permit.

SECTION 804 – ABANDONMENT

Whenever a non-conforming use has been ^ discontinued for a period of 1 year, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this Law.

SECTION 805 – DISPLACEMENT

No non-conforming use shall be extended or enlarged to displace a conforming use on the property or adjacent property.

ARTICLE VIII
NON-CONFORMING USES

SECTION 806 – DISTRICT CHANGES

Whenever the boundaries of a district or zone shall be changed so as to transfer an area from one district or zone to another district or zone of a different classification, the provisions of this article shall also apply to any uses made non-conforming as a result of the change.

SECTION 807 – NON-CONFORMING YARD CHANGES

A permitted use which is not in conformance with yard requirements (e.g. setbacks, ect.) may be removed and replaced with another structure (same use) which is the same or more in compliance with the yard requirement without going through area variance procedures. The Enforcement Officer shall determine the applicability of this section to specific cases.

SECTION 808 – USE CHANGE

A. Once changed to conforming use, no building or land shall be permitted to revert to a non-conforming use.

B. A legal non-conforming use may be changed to another non-conforming use, Which is of such a character so as to be equal or less of a nuisance and more in conformance with the zoning law requirements. The Zoning Board of Appeals shall make all determinations as to what new non-conforming uses would be allowed through the normal use variance procedures (section on variances).

ARTICLE IX
BUILDINGS, UNSAFE

SECTION 901 – LEGISLATIVE INTENT

The intent of this section is to promote and preserve a clean and wholesome and attractive environment within the Town of Stockton, which is declared to be of importance to the health, safety and welfare of residents of and owners of property located within the Town of Stockton, by providing a method of removal or repair of buildings or structures within the limits of the Town that from any cause may now be or shall hereafter become dangerous or unsafe to the public. It is further declared that the unrestrained allowance of unsafe buildings and structures is a hazard to such health, safety and welfare of the inhabitants of said Town, necessitating the regulation, restraint and elimination thereof.

SECTION 902 – UNSAFE BUILDING PROHIBITED

No person, firm, corporation or association owning, possessing or controlling a building or structure in the Town of Stockton, County of Chautauqua and State of New York, shall permit, suffer or allow said building now or hereafter to be or become dangerous or unsafe to the public from any cause whatsoever.

SECTION 903 – DEFECTS CONSTITUTING BUILDINGS DANGEROUS

All of the buildings or structures that have any or all of the following defects shall be deemed for the purpose of this chapter to be dangerous buildings:

A. Those whose interior walls or other vertical structural members list, lean or Buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

B. Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage, deterioration or other signs of decay to supporting member or members, of fifty percent (50%) of damage, deterioration or other signs of decay to non-supporting enclosing or outside walls or covering.

C. Those that have improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used.

D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Town of Stockton.

ARTICLE IX
BUILDINGS, UNSAFE

SECTION 903 – DEFECTS CONSTITUTING BUILDINGS DANGEROUS (CONTINUED)

E. Those that have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or the carrying on of the usual occupation or business or are likely to cause sickness or disease so as to work an injury, to the health, morals, safety or general welfare of those living therein or thereby.

F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

G. Those having inadequate facilities for egress in case of fire or panic or those having sufficient stairways, elevators, fire escapes or other means of escape.

H. Those, which have parts, so attached that they may fall and injure members of the public or other property.

I. Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people in this Town.

J. Those buildings existing in violation of any provision of the Zoning Ordinance of the Town of Stockton, or special use permit or any other ordinances or local law of the Town.

K. Any building or structure which means vacant and unattended continuously for a period of eighteen (18) months.

ARTICLE IX
BUILDINGS, UNSAFE

SECTION 904 – INSPECTION: NOTICE AND ORDER

In the event that it shall come to the attention of the Town Board that any building or structure in the Town of Stockton may be dangerous or unsafe, to the public; the Town Board shall direct the Zoning Officer to inspect the alleged unsafe building. If the Town Board adopts the Zoning Enforcement Officers report as to an unsafe building or dangerous building, then the Board shall cause notice to be served on the owner or some one (1) of the owners, executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one (1) of the owners, executors, legal representatives, agents, lessees or some other person having vested or contingent interest in the same, as shown by the records of the receiver of the taxes and/or in the office of the County Clerk, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring same to be made safe and secure or removed. If such notice is by registered mail, a copy of such notice is to be posted on the premises. The owner or his legal representatives shall commence said repair or the removal of said building or structure within thirty (30) days of the service of notice and complete the same within sixty (60) days of the service of the notice.

SECTION 905 – DISREGARD OF NOTICE; SURVEY

In the event of the neglect or refusal of the person served with the notice to fully comply with the same, a notice of survey shall be served upon such person, in the same manner as indicated in Section 4, notifying such person that a survey of the premises will be made at the time and place specified in such notice by the Zoning Enforcement Officer and a practicing builder, engineer or architect to be named by the Town Board and designated in the notice and a practicing builder, engineer, or architect appointed by the person served with the notice, and that in the event of refusal or neglect or said person so notified to appoint said builder, engineer or architect and to cause his attendance at the designated time and place, the two (2) surveyors named by the Town shall make the survey and report. The notice shall also state that in the event the building or other structure shall be reported unsafe or dangerous under such survey, then the application shall be made at a term Supreme Court in this judicial district for an order determining the building or structure or any part thereof to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

ARTICLE IX
BUILDINGS, UNSAFE

SECTION 906 – ISSUANCE OF SEARCH WARRANT

In the event that the person, firm, corporation or association owning, possessing or controlling a building or structure in the Town of Stockton refuses to allow the appointed Building Inspector or surveyors as herein provided to make the inspection or survey, then the Building Inspector shall file an affidavit of the facts showing probable violation of this chapter with the Town Justice, and if after examination of said Inspector, the Town Justice shall make a written finding that there appears to be a probable cause that there is a violation of this chapter which is creating a dangerous or unsafe building in the Town, then the Town Justice shall issue a search warrant to the Building Inspector authorizing a search of the premises to determine if there is a violation of this section.

SECTION 907 – POSTING OF REPORT OF SURVEY

A signed copy of the report of survey shall be posted on the building or structure, which has been surveyed.

SECTION 908 – STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance in the survey of the structure or building by the surveyors in determining the condition of the said structure or building:

A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of this section, it shall be ordered repaired.

B. If the dangerous building is in such condition as to make it dangerous to health, morals safety or general welfare of its occupants, it shall be ordered to be vacated.

C. If any case where a dangerous building is fifty percent damaged or decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building can not be repaired so that it will no longer exist in violation of the terms of this section, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms in this section or any ordinance or law of the Town or statue of the State of New York, it shall be demolished within 90 days of notification of the unsafe condition.

ARTICLE IX
BUILDINGS, UNSAFE

SECTION 909 – DECLARATION OF PUBLIC NUISANCE

All dangerous buildings within the terms of Section 903 are hereby declared to be public nuisances and shall be repaired, vacated or demolished as herein before mentioned or provided.

SECTION 910 – ASSESSMENT OF COST AND EXPENSES

A. All cost and expenses incurred by the Town in connection with removing Demolition, repairing or vacating of any dangerous building or structure, as determined pursuant to this section, including surveyor's costs or fees, attorney's fees, advertising costs, title searches, costs of actually removing or securing said building or structure and all other expenses, shall, when properly certified to and by the Board, be audited and paid by the Town the same as any other claim against the Town.

B. A bill for such expenses shall be presented to the owner or person notified, pursuant to the foregoing sections of the section, or if the same cannot be so Served or notified, then by posting the same in a conspicuous place on the premises.

C. If such owner shall fail to pay the same within ten (10) days thereafter, the Town Board shall file a certificate of the actual expenses incurred as aforesaid, together with a statement as to the property in connection with the expenses were incurred, with the Town Assessor, who shall, in the preparation of the next assessment roll of the general Town taxes, assess such amount upon such property and against such building or structure and the lot or land upon which the same is situated, and said bill or amount so levied is to be collected and enforced in the same manner by the same proceedings at the same time, the same penalties and have the same lien effect upon such property as the general Town tax and as a part thereof.

SECTION 911 – EMERGENCY CONDITIONS

In cases of great emergency where the delay of the proceedings as herein before provided would result in probable loss of life or property, the Town Board shall have the power to proceed at once to take such action as is needed to guard the safety of persons and property. In such cases the Town Board shall have full power and authority to provide all necessary means therefore, and all expenses therefore shall be paid and collected as provided I Section 910 hereof.

ARTICLE IX
BUILDINGS, UNSAFE

SECTION 912 – PENALTIES FOR OFFENSES

A. Violation of any of the provisions of this section is hereby declared to be an offense against such section.

B. Each offense against the provisions of this section shall constitute a violation pursuant to the Penal Law of the State of New York, provided that in no case shall the fine imposed exceed two hundred fifty dollars ($250.00)

ARTICLE X
ZONING BOARD OF APPEALS

SECTION 1001 – CREATION

A Zoning Board of Appeals is hereby created. Said Board shall be appointed and function in accordance with the enabling Law. Said Board shall consist of 5 members. The Board may prescribe for its affairs.

SECTION1002 – GENERAL PROCEDURES

A. **Duties** – The Zoning Board of Appeals shall act in strict accordance with procedures specified by Town Law, Section 267a, 267b as from time to time amended and by this Zoning Law. The major duties of the Board shall be to hear and decide on variance requests as well as to interpret the meaning of the Zoning Law as requested. Additionally, they shall hear requests for selected Special Use Permits, authorized herein.

B. **Format for Requests** – All requests shall be in writing, on forms prescribed by the Zoning Board of the Appeals. Specific provisions of the Zoning Law shall be referred to and as a minimum, the following information shall be provided by the person requesting the variance/interpretation:

1. Property Identification
2. Project Description
3. Drawing of sufficient detail to provide needed information sufficient to decide on the request.
4. Reasons for permit denial
5. Proof of unnecessary hardship or practical difficulties, and
6. Hearing Information

ARTICLE X
ZONING BOARD OF APPEALS

SECTION 1002 – GENERAL PROCEDURES (CONTINUED)

C. SPECIAL USE PERMIT PROVISIONS –

1. **General provisions** - The special uses listed in this Zoning Law for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Zoning Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as individual case.

2. **Standards** - The location and size of the use, the nature of and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and location, nature and height of buildings, walls and fences, will not discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations or lights, than would be the operations of any permitted use.

3. **Conditions –**

   a. In the granting of Special Use Permits, the Permitting Board shall attach such conditions and safeguards, as it deems appropriate under this Law.
   b. The supplemental section of this Law entitled, General Conditions, will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested. It should not be assumed that this section is all-inclusive.

D. Referral to the Planning Board - On an optional basis, the Zoning Board of Appeals may request in writing, a recommendation by the Planning Board. The interpretation in favor of the applicant.

E. Hearings – All hearing procedures shall be in accordance with appropriate Town Law Sections 267, 267 a, 267b, as from time to time amended.

ARTICLE X
ZONING BOARD OF APPEALS

SECTION 1002 – GENERAL PROCEDURES (CONTINUED)

F. **Decisions** - Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings and conclusions. Decisions shall be made in a timely manner in accordance with state law.

G. **Time Requirements** – All appeals to the Zoning Board of Appeals for interpretations or variances, shall be submitted to the Zoning Board of Appeals within 30 days of the date of denial of the application.

SECTION 1003 – INTERPRETATION

The Zoning Board of Appeals shall have the power to interpret the meaning of this Zoning whenever called upon by the Municipal Board, Zoning Officer or an aggrieved party. This shall include the power to reverse any order, requirement, decision or determination of an administrative official or Board. This interpretative power shall include the determination of district boundary lines.

SECTION 1004 – USE & AREA VARIANCES

A. **Reasons for Variances** - The Zoning Board of Appeals has the authority to vary or modify the strict letter of the Zoning Law where a literal interpretation would cause practical difficulties (Area Variances) or unnecessary hardships (Use Variances).

B. **Applicability & Limitations**

1. The Zoning Board of Appeals can decide appeals from a person who feels aggrieved by a decision of Enforcement Officer.

ARTICLE X
ZONING BOARD OF APPEALS

SECTION 1004 – USE & AREA VARIANCES (CONTINUED)

C. Basis for Granting Area Variances

1. Area Variances provide relief of a dimensional nature (e.g., lot shape or grade) and must be based on practical difficulty. The burden of proof is on the applicant and, if relief is warranted, it should be the minimum necessary.

2. The following 5 determinations must be considered in order to decide if "Practical Difficulty" is present;

   a. How substantial the variation is in relation to the requirements of the Zoning Law,
   b. The effect of the proposal on increased population density and governmental facilities (e.g., fire, wire, ect.);
   c. Whether a substantial change in character of the neighborhood or a detrimental effect on adjoining properties would take place.
   d. Whether the difficulty can be eliminated by some other reasonable alternative other than a variance (e.g., add room to side of house), and
   e. Will justice be served in allowing the variance.

3. The fact that the practical difficulty was self-imposed does not disqualify the applicant from being granted an Area Variance.

4. If a property owner will suffer significant economic in jury by strict interpretation of the area standards and practical difficulties are present, then the Area Variance can only be denied based on health, safety or general welfare reasons.

ARTICLE X
ZONING BOARD OF APPEALS

SECTION 1004 – AREA & USE VARIANCES (CONTINUED)

D. Basis for Granting Use Variances

1. Use Variances provide relief to an applicant who is denied through application of the Zoning Law by the Municipal Board; the right to use land or structures in a certain manner since the use is not listed as an allowable use in the Zoning Law. In order to be granted the Use Variance, the applicant must prove that "Unnecessary Hardship" exists and this is accomplished by showing all of the following:

   a. The land in question cannot yield a reasonable return if used only for the purpose allowed in the district. The lack of return must be substantial as demonstrated by competent financial evidence. This does not mean that profits will be necessarily maximized.
   b. The use requested by the variance will not alter the essential character of the neighborhood and be detrimental to properties in the vicinity.
   c. The plight of the applicant is due to unique circumstances and not to the general conditions in the neighborhood.

2. In the case of a Use Variance, if the hardship is self-imposed then the variance should, generally speaking, be denied. An example of this would be the purchase of property, which is not appropriate for the proposed use.

E. In granting any variance, the Zoning Board of Appeals shall prescribe any conditions that deems to be necessary or desirable and are in compliance with the intent of the Zoning Law. The decisions must be written in the form of a resolution and must state in detail the reasons for granting or denying the variance and the conditions imposed.

F. Temporary Variances – The Zoning Board of Appeals may issue, for uses, which are of a temporary, a Variance. Said Variance shall clearly state the conditions of the variance to include when it shall terminate the possibility of renewal and other conditions deemed necessary.

ARTICLE X
ZONING BOARD OF APPEALS

SECTION 1005 – SPECIAL USE PERMITS

A. **Applicability** – Whenever a Variance (Use or Area) is required before a Special Use Permit can be reviewed, the Zoning Board of Appeals shall be the authorized Board for dealing with both the Variance and Special Use Permit.

B. **Basis for Granting Special Use Permits** – See article on Planning Board, section on Special Use Permit.

C. **Referral to Municipal Board and Planning Board**

1. Prior to action on Special Use Permits for any commercial, industrial or multiple dwelling application~~H~~, the Zoning Board of Appeals shall advise the Town Board and the Planning Board of the proposed actions.

2. The Town Board and the Planning Board shall have 15 days in which to review the proposed action and return their recommendation to the Zoning Board of Appeals. After 15 days has expired, the Zoning Board of Appeals may act without receipt of a response.

SECTION 1006 – MANDATORY REFERRAL (GENERAL MUNICIPAL LAW 239 I & M)

A. **Applicability** - In accordance with the General Municipal Law 239 I & M, before issuing a Special Use Permit or granting a variance affecting any real property lying within the distance of 500 feet of any boundary of this Municipality or from the boundary of any existing or proposed county or state park or other recreational area, or from the boundary of any existing or proposed county or state park other recreational area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, the matter shall be referred to the Chautauqua County Planning Board.

ARTICLE X
ZONING BOARD OF APPEALS

SECTION 1006 – MANDATORY REFERRAL (GENERAL MUNICIPAL LAW 239 I & M) (CONTINUED)

B. **Response Time** – Within 30 days after receipt of a full statement of such referred matter, the Chautauqua County Planning Board, to which the referral was made, or an authorized agent of said agency shall report its recommendations thereon to the Board of Appeals, accompanied by a full statement of reasons for such recommendations. If the Chautauqua County Planning Board fails to report within such period of 30 days, the Board of Appeals may act without such report. If the Chautauqua County Planning Board disapproved the proposal, or recommends modification thereof, the Board of Appeals shall not act contrary to such disapproval or recommendation except by vote of a majority plus 1 of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

C. **Report of Action** - Within 7 days after final action by the Board of Appeals, modifications or disapproval of a referred matter, the Board of Appeals, shall file a report of the final action it has taken with the Chautauqua County Planning Board, which had made the recommendations, modifications or disapproval.

ARTICLE XI
PLANNING BOARD

SECTION 1101 – CREATION

A Planning Board is hereby created. Said Board shall be appointed and function in accordance with the enabling Law. Said Board shall consist of 5 members. The Board may prescribe for its affairs.

A. **Duties** – The Planning Board will conduct all site plan review.

B. **Purpose** – Site Plan review has the purpose of specifying for all involved parties, what the intended design, arrangement and uses of the land shall consist of so as to optimize the physical, social and economic effects on the community for specified types of development.

C. **Content of Site Plan** – A plan for the proposed development of a site for a designated special use shall be submitted with an application for a Special Use Permit, and plan shall consist of sketches drawn to approximate scale prepared by the applicant, to display the following information:

1. Administration, Legal and other Miscellaneous Information:
   a. Project title and date
   b. Name, address and telephone number of applicant, owner (if different), contractor, architect and other major involved parties.
   c. Construction schedule, to include phasing and the completion date
   d. Performance bond, to include amount, public improvements covered by the bond approval
   e. Location width and purpose of all casements, public land holdings, leases, covenants, deed restrictions or any other unique land restriction, and
   f. Record of all applications for permits from the Federal, State or County governments, to include approval status.

2. Existing Man-made Features to be shown
   a. Boundary lines of project site as well as adjacent properties
   b. Ownership pattern of all adjacent parcels
   c. Existing structures on project site and adjacent property, to include location, dimensions, height and use. Decks and accessory structures should show as well as historic structures.
   d. Roadways, to include public roads, private roads or driveways on the site, on and off-street parking, load/unload zones, access and egress, pedestrian pathways, or sidewalks. Width and elevations should be included.

ARTICLE XI
PLANNING BOARD

SECTION 1102 – GENRAL PROCEDURES (CONTINUED)

e. Utilities shall be identified, to include location and size of water, sewer drainage pipes, telephone, electric, gas and TV cable. Additionally, any solar systems should be identified.
f. Miscellaneous features to include: fences, signs, outside lighting, public address systems, storage areas, and retaining walls shall be shown.
g. Fire lanes and fire hydrants, if any exist, should be displayed.
h. Recreational areas, both on the site and adjacent, should be displayed, to include public and private facilities. Decks, pools, tennis courts, ect., should be included.
i. Trash or garbage collection areas should be identified.
j. Services such as banks, schools, retail or service districts should be identified.
k. Zoning district boundaries shall be identified.
l. Other information deemed necessary by the permitting Board.

3. Existing Natural Features to be shown
   a. Topographical features with a minimum interval of 10 feet, but preferable 2 feet. Areas of steep slope should be delineated.
   b. Geographic features such as depth to bedrock and load bearing capacity for large development proposals.
   c. Hydrogeological features, including drainage and runoff patterns, flood hazard areas, wetlands depth to ground water and drainage capacity of soil.
   d. Landscaping and vegetative cover, including wooded areas, significant isolated trees, ground covers, shrubs and other similar features. Buffers should be identified.
   e. Water courses, to include lakes, streams or ponds.
   f. Archaeologically significant areas.
   g. Significant viewscapes should be identified.
   h. Other information deemed necessary by Permitting Board.

4. New Proposal Features
   a. Referring to the EXISTING man-made and natural features above, provide a description/sketch of any changes that are being proposed.
   b. Include construction materials proposed for use.
   c. Provide design features.
   d. List positive and negative effects for each existing feature above (e.g., traffic to be generated and the effects it will have on specific roadways).

ARTICLE XI
PLANNING BOARD

SECTION – 1102 GERNERAL PROCEDURES (CONTINUED)

D. **Referral** – The Zoning Board of Appeals shall, within 7 days of receipt of the complete application, submit to the Planning Board, a request for an opinion on any proposed project. The Zoning Board of Appeals shall wait 14 days for a response prior to acting on the matter.

E. **Decision Requirements** – Within 45 days of receipt of the complete application the Zoning Board of Appeals shall render a decision to the Zoning Officer. If no decision is made within the 45 -day period, the site plan shall be considered approved. The applicant shall be notified in writing of its decision with the reasons for the decision specified.

SECTION 1103 – MANDATORY REFERRAL

General Municipal Law 239 I & M, must be followed when acting on a Special Use Permit/Site Plan Review. The Mandatory Referral section is found in the Zoning Board of Appeals Article should be consulted for the procedure to be followed.

ARTICLE XII
TOWN BOARD

SECTION 1201 – DUTIES

The Town Board shall have the following duties with respect to this Zoning Law.

Amendments

1. The Town Board may from time to time, on its own motion or on recommendation of the Planning Board, amend , supplement or repeal the regulations and provisions of this Law after public notice and hearing.

SECTION 1202 – REFERRAL TO PLANNING BOARD

A. Prior to acting on any Zoning Law or zoning map amendments, the Town Board shall advise the Planning Board of the proposed amendment.

B. The Planning Board shall have 30 days I which to review the proposed amendment and return their recommendation to the Town Board. After the 30 days has expired, the Town Board may act without receipt of a recommendation from the Planning Board.

ARTICLE XII
TOWN BOARD

SECTION 1203 – MANDATORY REFERRAL

General Municipal Law 239 I & M must be followed when amending a Zoning Law. The Mandatory Referral section found in the Zoning Board of Appeals Article should be consulted for the procedure to be followed.

ARTICLE XIII
VIOLATIONS AND PENALTIES

SECTION 1301 – VIOLATIONS

Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record the complaint and immediately investigate. However, the Municipal Board shall be responsible for insuring compliance with this Law when it is brought to their attention that a violation may exist, even though no formal complaint is filed.

SECTION 1302 – PENALTIES

Any violation of any provision of this Law by any person shall be punishable by fine or other penalties as specified by Section 268 of Town Law, as amended from time to time. Each week's continued violation shall constitute a separate additional violation.

ARTICLE XIV
LEGALITY

SECTION 1401 – CONFLICTS

In their interpretation and application, the provisions of this Law shall be held to be minimum requirement, adopted for the promotion of the public health, safety or general welfare. Whenever the requirements of this Law are at variance with other requirements of this Law or the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

SECTION 1402 – SEPARABILITY

The invalidity of any provision of this Law shall not invalidate any other part thereof.

ARTICLE XIV
LEGALITY

SECTION 1403 – REPEALER

Any previously adopted Zoning Law or regulations of the municipality, together with all changes and amendments thereto are hereby repealed and declared to be of no effect.

SECTION 1404 – EFFECT

This Local Law takes effect immediately upon filing with the Secretary of the State of New York.

ARTICLE XV
TELECOMMUNICATIONS FACILITIES*

SECTION 1501 – LEGISLATIVE INTENT

The Town of Stockton recognizes the increased demand for wireless communication transmitting facilities and the need for services they provide. Often these facilities require the construction of a Communication Tower and/or similar facilities. The intent of this local law is to regulate the location, construction and modification of these facilities in accordance with the sound, land use planning by:

1. Minimize adverse visual effects of Towers and/or similar facilities through careful design, siting and vegetative screening and/or buffering.
2. Avoiding potential damage to adjacent properties from Tower failure or failing debris through engineering and careful siting of Tower structures.
3. Maximizing use of any new and/or existing Tower or existing building and/or structure to reduce the number of Towers and/or similar facilities needed in the Town.
4. Providing for the general health, safety and welfare of the Town in by the regulation of these facilities such as regulation is permitted under applicable Federal and/or State Law.
5. Accommodating and allowing wireless service providers to meet their service objectives insofar as can be accommodated in consistent with these regulations and/or applicable Federal or State Law.

ARTICLE XV
TELECOMMUNICATIONS FACILITIES * (CONTINUED)

SECTION 1502 – DEFINITIONS

A. **ACCESSORY STRUCTURE** – A non-inhabitable accessory facility or structure serving or being used in conjunction with Communications Tower and/or similar facility or antenna and located on the same lot as the Communications Tower or antenna. Examples of such structures include utility or transmission equipment, storage sheds or cabinets.

B. **ANTENNA** - A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include, but not limited to radio, television, cellular, paging, personal communication services (PSC) and microwave communications.

C. **CO-LOCATED** - Telecommunications facilities which utilize existing Towers, buildings or other structures for placement of antennas and do not require construction of a new Tower.

D. **FALL DOWN ZONE** – The radius around a Tower within all portions of the Tower and Antennas would fall in the event of a structural failure of the Tower.

E. **TELECOMMUNICATIONS FACILITIES** – Towers and/or Antennas and accessory structure together used in connection with the provision of cellular service, personal communication services (PCS), paging services, radio and/or television broadcast services, microwave transmission and/or similar or like broadcast services.

F. **TOWER** – A structure designed to support antennas. It includes without limitation, freestanding towers, guyed towers, monopoles and similar structures which do not employ camouflage technology.

G. **TOWER HEIGHT** – Vertical distance from a normal ground level to the highest point of the antenna.

SECTION 1503 – TELECOMMUNICATION FACILITY PERMIT REQUIRED

No Telecommunication Facility shall be sited, located, constructed, erected or modified without the issuance of a permit as prescribed in this article.

ARTICLE XV
TELECOMMUNICATION FACILITIES * (CONTINUED)

SECTION 1504 – ZONING DISTRICTS AND BULK REQUIREMENTS

A. Telecommunication Facilities shall be permitted in the following zones upon issuance by the Zoning Board of Appeals of a Special Use Permit, under this article. All applications will require a site plan as provided herein. The Tower is to be set back a minimum of 1,000 square feet from any residential dwelling, school, church or historic structure or the height of the tower plus 100 feet from any property line or right-of-way. The maximum tower height permitted is 300 feet.

B. All applications for telecommunication Facilities exceeding over 75 feet shall be treated as a Type One Action under the State Environmental Quality Review Act.

SECTION 1505 – GENERAL STANDARDS

A. No permit or renewal thereof or modification of the conditions of a current permit relating to a Telecommunication Facility shall be authorized by the Zoning Board of Appeals, unless that it finds that such Telecommunication Facility

1. Is necessary to meet current or expected demands for the services supported by the Telecommunication Facility.
2. Conforms with all applicable regulations promulgated by the Federal Communications Commission and/or any other applicable State or Federal regulatory agency.
3. Is designed and constructed in a manner in which minimizes its visual impact.
4. Complies with all other requirements of the Zoning Law of the Town.
5. Is the most appropriate site within the immediate area for location of a Telecommunication Facility. It is preferred that Telecommunication Facilities be located on industrial, business or municipal property and/or co-located.

All applicants are required to provide a report which establishes to the satisfaction of the Zoning Board of Appeals, that the applicant is required to provide service to locations which it is not able to serve through existing facilities which are located either within or outside of the Town, showing the specific locations and/or areas the applicant is seeking to serve.

ARTICLE XV
TELECOMMUNICATION FACILITIES * (CONTINUED)

SECTION 1505 – GENERAL STANDARDS

The report shall set forth an inventory of existing facilities and/or structures within the or outside of the Town, which might be utilized or modified in order to provide coverage to the locations the applicant is seeking to serve, and include a report on the possibilities and opportunities for a co-location as an alternative to a new site.

The applicant must demonstrate that the proposed facility cannot be accommodated on any such existing facility or structure either within or outside of the Town, due to one or more of the following reasons:

1. The proposed equipment would exceed the existing and reasonable potential structural capacity of existing facilities or structures within or outside of the Town, considering existing and planned use for those facilities or structures.
2. The existing or proposed equipment would cause interference with other existing or proposed equipment, which could not reasonably be mitigated or prevented.
3. Said existing facilities or structures do not have space on which the proposed equipment can be placed so it can function effectively and reasonably and/or the applicant has not been able, following good faith efforts, to reach an agreement with the owner or owners of such facilities or structures.
4. Other reasons which make it impractical to locate or place the proposed equipment on said facilities or structures.

SECTION 1506 – CO-LOCATED ANTENNAS PREFERRED

The shared use of existing Telecommunication Facilities or other structures shall be preferred to the construction of new such facilities. Any application for a Telecommunication Facility Permit or renewal thereof or modification of the conditions of a current Telecommunication Facility Permit, shall include proof that reasonable efforts have been made to co-locate with an existing Telecommunication Facility or upon existing structure. The application shall include an adequate inventory report, specifying existing Telecommunication Facility sites and structures of height exceeding over 75% of the height of the proposed tower within a one mile radius from the proposed site if the application is for a cellular telephone or personal communication use, or a five mile radius for other services and for cellular telephone or personal communication use outlining opportunities for shared use as an alternative to the proposed location. The application must demonstrate that the proposed Telecommunication Facility cannot be accommodated on all sites in the inventory due to one or more of the reasons set forth in the above Section 5.

ARTICLE XV
TELECOMMUNICATION FACILITES * (CONTINUED)

SECTION 1507 – SPECIAL PERMIT OR TELECOMMUNICATION FACILITIES, TOWER/ANTENNAS

A. All applicants for Special Use Permit for Telecommunication Facilities Towers and/or Antennas shall make a written application to the Zoning Board of Appeals of the Town. This application shall include:

1. Tower Special Permit application form, supplied by the Town.
2. Long form Environmental Assessment form
3. Site Plan in form and content acceptable to the Town, prepared to scale and in sufficient detail and accuracy, showing on a minimum:
   - **a.** The exact location of the proposed Tower, together with guy wires, guy acres, if applicable.
   - **b.** The maximum height of the proposed Tower.
   - **c.** A detail of Tower Type (monopole, guyed, freestanding or other).
   - **d.** The color or colors of the Tower.
   - **e.** The location, type and intensity of any lighting on the Tower.
   - **f.** The property boundaries (a copy of a property survey must also be provided).
   - **g.** Proof of the landowner's consent, if the applicant will not own the property (a copy of lease agreement must also be provided if the applicant will not own the property).
   - **h.** The location of the structures on the property and all structures on any adjacent property within 50 feet of the property lines, together with the distance of these structures to the Tower.
   - **i.** Names and addresses of the adjacent land owners.
   - **j.** The location, nature and extent of any proposed fencing, landscaping or screening.
   - **k.** The location and the nature of proposed utility easements and/or access roads, if applicable.
   - **l.** Building elevations of accessory structures or immediately adjacent buildings.

4. Before and after propagation studies prepared by a qualified radio frequency engineer demonstrating existing signal coverage contrasted with the proposed signal coverage resulting from the proposed Telecommunication Facility.

ARTICLE XV
TELECOMMUNICATION FACILITIES *

SECTION 1507 – SPECIAL PERMIT OR TELECOMMUNICATION FACILITIES, TOWERS/ANTENNAS (CONTINUED)

5. A search prepared by a qualified radio frequency engineer and overlaid on an appropriate background map, demonstrating the area within which the Telecommunication Facility needs to be located in order to provide proper signal strength and coverage to the target area or cell. The applicant must be prepared to explain to the Board why he selected the proposed site, discuss the availability or lack of availability of a suitable within the search ring, which would have allowed for co-located Antennas and to what the extent the applicant explored locating the purposed Tower in a more intensive use district. Correspondence with other Telecommunication companies concerning co-location is part of this requirement.
6. The applicant must submit a copy of its policy regarding co-location of the proposed Tower with other potential applications. Such policy should allow co-location if new Antennas and/or equipment do not or will not exceed structural loading requirements, interfere with Tower space use or pose any technical or radio frequency interference with existing equipment.
7. A report prepared by a New York State licensed professional engineer, which in the case of a Tower describes its height and design, including a cross section of the structure, demonstrates the Towers compliance with applicable structural standards and describes the Towers capacity including the number and type of antennas it can accommodate. In the case of an Antenna or Antennas mounted on an existing structure, the report shall indicate the existing structures suitability to accept the Antenna and proposed method of affixing the Antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
8. An agreement by the applicant in writing to remove the Telecommunication Facility if such facility becomes technically obsolete or ceases to be used for its originally intended purpose for twelve (12) consecutive months.
9. The applicant, at the time of obtaining a Special Use Permit, if one is obtained, must provide a financial security bond with the Town as assignee in the amount fixed by the Zoning Board of Appeals, but not less than $10,000.00 To enable removal abandonment or non-user or loss of a permit.

ARTICLE XV
TELECOMMUNICATION FACILITIES *

SECTION 1507 – SPECIAL PERMIT OR TELECOMMUNICATION FACILITIES, TOWERS/ANTENNAS (CONTINUED)

10. The Town reserves the right upon review of the application to request reasonable, additional, visual and aesthetic information it deems appropriate on a case by case basis and as it may pertain to a residential zone, historic district, agricultural use or other special situation.

B. Upon receipt of the applicant materials as set forth in section "A" above, the Zoning Board of Appeals shall refer the application to the Planning Board. The Planning Board shall review the complete application and recommend changes, if any, to the Zoning Board of Appeals prior to any action taken on the application. The Zoning Board of Appeals shall consider the application and approve or deny same in accordance with the procedures and standards set forth in this article and in the Zoning Law.

C. The Zoning Board of Appeals shall determine the application for a Telecommunications Tower Special Use Permit in accordance with their requirements established for determining a Special Use Permit under the Town's Zoning Law and under this article. Any and all grants of a Special Use Permit for a Telecommunications Facility under this article shall be non-assignable and non-transferable and shall not run with the land, notwithstanding anything in the General Zoning Laws of the Town to the contrary.

ARTICLE XV
TELECOMMUNICATION FACILITIES

SECTION 1508 – TELECOMMUNICATION FACILITIES SPECIAL USE PERMIT STANDARDS

The following criteria will be considered by the Town prior to the approval/denial of a request for s Special Use Permit for a Telecommunications Facility. The criteria list may be used as a basis to impose reasonable conditions upon the applicant:

A. **SITING PREFRENCES:** The Town may express a preference that the proposed Telecommunications Facility be located in a higher intensity use district or on higher intensity use property. As a general guideline, the Town's preference from most favorable to least favorable to least favorable districts shall be as follows:

1. Agricultural (A)
2. Agricultural Residential (AR)
3. Residential (R)
4. Lakeside (L)

B. **Aesthetics:** Telecommunication Facilities shall be located and buffered to the maximum extent practicable and technologically feasible to help insure capability with surrounding land uses. In order to minimize any adverse aesthetic impact on neighboring residents to the extent possible, the Zoning Board of Appeals may impose conditions on the applicant, including the following:

1. Tower height, location and design are matters of primary public concern. The Town might require a monopole or guyed Tower instead of a freestanding Tower.
2. The Town may require reasonable landscaping consisting of trees or shrubs to screen the base of the Tower and/or to screen the Tower to the extent possible from adjacent property. Existing on site trees and vegetation shall be preserved to the maximum extent possible.
3. All Telecommunication Facilities shall be separated from residential dwellings, schools, houses of worship, places of public assembly and designated historical sites and/or districts by the minimum of 1,000 feet or if higher than 200 feet, then five (5) times the height of the Facility. The Zoning Board of Appeals may modify this condition if the Facility is attached to an existing structure or for other satisfactory reasons supported by testimony.

ARTICLE XV
TELECOMMUNICATION FACILITIES

SECTION 1508 – TELECOMMUNICATION FACILITIES SPECIAL USE PERMIT STANDARDS (CONTINUED)

4. Towers shall be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. The Towers shall not be artificially lighted, except as required by Federal Aviation Administration or the Town. The Towers shall not be of non-reflective finish, color subject to Town approval, unless otherwise required by the FAA. Any lighting which may be required by the FAA, shall not consist of strobe lights unless specifically mandated by FAA.
5. All permits shall include a fall zone surrounding any support, which the fall zone must have a radius of at least equal to the height of such support Tower and any Antenna attached thereto. The entire fall zone may not include public roads, it must be on private property, either owned or leased by the applicant, or for which the applicant has obtained an easement. It may not contain any structure other than those associated with the Telecommunication Facilities and may not be located within any set back area established by this article. If the Facility is attached to an existing structure, the fall zone requirements may be modified by the Zoning Board of Appeals.
6. No Tower or device or Facility shall contain any signs or advertising. The Town may, however, require appropriate signage indicating ownership of the Facility and telephone number to call in case of an emergency.
7. Towers and auxiliary structures shall be surrounded by a fence or wall at least 8 feet in height of a design approved by the Board so as to make intrusion difficult. Barbed wire is not to be used in a residential area or on a public property unless specifically permitted by the Board. There shall be no permanent climbing pegs within 30 feet of the ground on any Tower or Facility.
8. All other uses ancillary to the Telecommunications Facility and associated equipment are prohibited unless otherwise permitted in the zone.
9. The Town may impose as a condition on the applicant that the Antennas be operated only at the FCC designated frequencies on power levels and/or EPA technical exposure limits and that the applicant provide levels and exposure limits will not be exceeded.

ARTICLE XV
TELECOMMUNICATION S FACILITIES

SECTION 1509 – TELECOMMUNICATIONS FACILITIES MAINTENANCE:

All Telecommunications Facilities, both predating and otherwise, this article shall fulfill the requirements of this section. The Town Code Enforcement Officer and/or Building Inspector is empowered to enforce these regulations.

1. The sufficiency of the bond for removal shall be confirmed at least every five (5) years by an analysis of the cost of removal and property restoration performed by a licensed New York State professional engineer with results to be communicated to the Town. If the bond amount in force is sufficient to cover the cost of removal, it shall be increased within fourteen (14) days to cover such amount.

2. The Facility shall be inspected at least every two (2) years for structural integrity by a New York State licensed professional engineer, and a copy of the inspection report submitted to the Town.

3. All Telecommunications Facilities shall be maintained in good order and repair and all such work shall comply with all applicable code requirement of any governmental body issuing such rules and/or regulations.

4. Any additional Antennas, reception or transmission devices or other similar receiving or transmitting device proposed for attachment to an existing facility shall require review in accordance with this article. The intent of this requirement is to insure the structural integrity, visual aesthetic and land use compatibility of communication towers upon which additional Antennas, reception or transmission devices are to be installed.

5. No outside storage of vehicles, materials or waste shall be allowed except for limited periods when the facility is undergoing construction, repair or maintenance.

ARTICLE XV
TELECOMMUNICATION FACILTIES

SECTION 1510 – EXEMPTIONS

A. Towers and Antennas may be repaired and maintained without restriction.

B. Antennas used solely for residential household television and radio reception are exempt from the provisions of this article, provided they do not exceed fifty (50) feet in height.

C. Other Antennas or devices exempt under FCC rule or regulation.

SECTION 1511 – VIOLATIONS/PENALTIES

This article is adopted pursuant to the zoning and planning powers granted to the Town under the Town Law of the State of New York and other applicable law, rule and regulation. In the event of any violation of this article or permit issued hereunder, the Town may seek enforcement under any available authority. Including but not limited to Town Law, Section 268, as from time to time amended.

Any applicant upon receipt of a Special Use Permit for Telecommunication Facilities that substantially does not meet any of the requirements and/or conditions of that permit, shall have its permit revoked and the Telecommunications Facilities removed within ninety (90) days of notification by the Town of such violation.

SECTION 1512 – MICELLANEOUS

1. In the event of any conflicts or inconsistencies between this article and other article of the Town Zoning Law or other Local Law ordinance, rule or regulation, this article is meant to regulate Telecommunications Facilities removed and is not generally applicable unless otherwise specifically referred in this article.

2. The term Special Use Permit, as used in this article, shall be deemed to be Telecommunication Facilities Special Use Permit.

3. All fees or permits hereunder will be as set by the Town Board Resolution and amended.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS ⊕

SECTION 1601 – LEGISLATIVE INTENT

The Town of Stockton recognizes the increased demand for converting wind energy into electrical energy. The intent of this local law is to regulate wind energy conversion systems (wind turbines) in the Town of Stockton. The intent of this local law is for the provision of commercial and non-commercial wind-powered electricity generation in facilities so that they may be developed in a manner hereby deemed to be compatible with the general health, welfare and safety of the residents of the Town of Stockton. Further more, to address the visual, aesthetic and land use compatibility aspects of wind energy conversion systems (WECS)

SECTION 1602 – DEFINITIONS

Accessory Facility or Equipment: Any structure other than a wind turbine, related to the use and purpose of deriving energy from such towers, located at the tower facility.

Nacelle: The portion of the wind turbine that connects the rotor to the support tower and houses the generator, gearbox, drive train and braking system.

Siting Agency: The applicant, person or persons who are applying to site a wind energy-deriving tower facility.

Tower Facility: Site where one or more wind energy conversion systems or wind turbines will be located, including all accessory facilities or equipment.

Use – Shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1602 – DEFINITIONS (continued)

WIND ENERGY CONVERSION SYSTEM (WECS)- Shall mean any mechanism including any tower, pole or other structure, whether attached to a building, guyed, or free standing, designed to be used for the support of a rotor that consists of blades and hub as well as a nacelle and generator, for the purpose of converting wind energy into electrical energy. WECS may be:

1. Commercial- A WECS that is the prime use on a parcel of land and supplies electrical power for off-site use. A turbine with power ratings greater than 80kw shall be deemed commercial.

2. Non-commercial- A WECS that is incidental and subordinate to another use on the same parcel and supplies electrical power solely for on-site use, except that when a parcel on which a non-commercial WECS is installed also receives electrical power supplied by a utility company, excess electrical power generated by a non-commercial WECS and not presently needed for on-site use may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by the company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power. A turbine with power ratings of 80kw or less shall be deemed non-commercial.

SECTION 1603 – AUTHORITY

The Zoning Board of Appeals is hereby authorized to approve, approve with conditions, or disapprove wind energy conversion system facility applications in accordance with this Local Law. The Zoning Board of Appeals may hire a professional Engineer or consultant to assist in the review of an application at the applicant's expense.

SECTION 1604 – PROCEDURE

A. Completed applications for siting WECS facilities shall be submitted to the Zoning Board of Appeals secretary at least ten (10) days prior to the regular meeting of the Zoning Board of Appeals on a form provided by the Zoning Enforcement Officer and shall be accompanied by a fee set by the Town Board. Applications shall be made by the owner of the property or his/her duly authorized representative, who shall attend the meeting of the Zoning Board of Appeals to discuss the application. Any application deemed incomplete by the Code Enforcement Officer or the Zoning Board of Appeals shall be returned to the applicant and no action shall be undertaken by the Town or its officer or board.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1604 – PROCEDURE (continued)

B. As part of the approval process, within ten (10) days of receipt of the complete application for a Special Use Permit approval, the Zoning Board of Appeals shall refer the project to the Town Planning Board for review. The Planning Board may make recommendations to the Zoning Board of Appeals within twenty-one (21) days from the date of referral from the Zoning Board of Appeals. This time period may be extended by mutual consent of the applicant, the Planning Board and the Zoning Board of Appeals. The failure of the Planning Board to make recommendations or the Zoning Board of Appeals refusal to adopt any of the recommendations of the Planning Board shall not affect the validity of the Zoning Board Of Appeal's decision in the matter.

C. Public Hearing
After reviewing the site plan and recommendations, if any, from other involved Town or County Agencies, the Zoning Board of Appeals shall hold a Public Hearing, which Public Hearing shall be held within sixty-two (62) days from the day the application is received by the Zoning Board of Appeals. Notices of the Public Hearing shall be mailed to adjacent property owners within five hundred (500) feet from the property line, at least ten (10) days prior to the date of the hearing. The Public Hearing shall be advertised at least ten (10) days prior to the hearing, at least once in a newspaper determined by the Town Board as the official paper.

D. Final Special Use Permit and Site Plan
A final site plan for the Special Use Permit application shall substantially conform to the site plan that has been approved, incorporating any revisions or other features recommended by the Zoning Enforcement Officer or the Zoning Board of Appeals.

E. State Environmental Quality Review Act Form - Applicant shall furnish a full State Environmental Quality Review Act Form (EAF) to the Board as part of its application. All SEQR regulations shall be thoroughly complied with and all SEQR forms regarding the proposed project will be completed, signed and submitted by the applicant as part of its application to the Board. Any questions or concerns regarding the SEQR process should be addressed to the New York State Department of Environmental Conservation (NYSDEC).

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1604 – PROCEDURE (continued)

F. **Zoning Board of Appeals Action** – Within sixty-two (62) days from the date of the public hearing, the Zoning Board of Appeals shall render a decision of approval, conditional approval or disapproval. This time period may be extended by mutual consent of the applicant and the Board. The decision of the Zoning Board of Appeals shall be filed in the Office of the Town Clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the applicant.

G. **Conditions attached to the Issuance of Special Use Permits.**

The Zoning Board of Appeals shall have the authority to impose reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon its granting of said special use permit, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Town.

H. **Reimbursable Costs.**

Costs incurred by the Zoning Board of Appeals for consultation fees or other extraordinary expense in connection with the review of a proposed special use permit shall be charged to the applicant.

SECTION 1605- WIND ENERGY CONVERSION SYSTEM FACILITY PERMIT REQUIRED

No Wind Energy Conversion System shall be sited, located, constructed, erected or modified without the issuance of a special use permit as prescribed in this article.

Any Commercial Wind Energy Facility Permit that is granted shall be used not later than four (4) years from the effective date of the Commercial Wind Energy Facility Permit; otherwise the permit shall be null and void.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1606- ZONING DISTRICTS AND BULK REQUIREMENTS

A. WECS Facilities shall be permitted in the following zones upon the issuance by the Zoning Board of Appeals of a Special Use Permit, under this article. All applications will require a site plan as provided herein. The commercial facility is to be set back a minimum of 1,000 feet from any residential dwelling, schools, church or historic structure. Setbacks from the adjacent property lines, right-of-way, easements, power lines, or areas or structures customarily used by the public shall be two times the maximum WECS height or 1.5 times the maximum engineer calculated ice or blade throw distance to the maximum point of impact, whichever is greater. The maximum WECS height permitted is four hundred (400) feet.

B. All applications for WECS Facilities exceeding 75 feet shall be treated as a Type One Action under the State Environmental Quality Review Act.

C. WECS Facilities shall only be permitted in the following zones:

1. Agricultural (A)
2. Agricultural Residential (AR)

SECTION 1607- APPLICATION REQUIREMENTS

A plan for the proposed development of a wind energy deriving tower facility shall be submitted with the application and such plan shall show and include:

A. Name of the project, boundary lines of the parcel on which the project will be located, a location map showing proposed tower location(s), date, north arrow and scale.

B. Name and address of the owner of the parcel where development is proposed, developer and seal of engineer, architect or surveyor preparing the plan.

C. Name and address of all owners of record of abutting parcels and those within Twenty-five hundred (2500) feet of the property lines of parcel where development is proposed.

D. A map showing all existing lot lines, easements and right-of-ways and a sketch plan showing proposed road access including provisions for paving, if any, proposed transmission lines and accessory facilities and location of all existing and proposed utility systems to the facility. Also a map of all above and belowground utilities near the tower site that could possibly be impacted.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1607- APPLICATION REQUIREMENTS (continued)

E. A survey of the land to be leased if applicable.

F. A map showing existing and proposed topography at a maximum of five (5) foot contour intervals.

G. A landscape plan showing all existing natural land features, trees, forest cover, buildings and structures and all proposed changes to these features including size and type of plant material and erosion control measures.

H. The full State Environmental Quality Review Act (SEQRA). Nothing shall prohibit the Board from requiring an environmental impact statement if deemed necessary by the Board. WECS are considered a Type I action and require a full Environmental Assessment Form (EAF) and a visual EAF to be completed and submitted to the town.

I. Photography, assessing the visibility from the key viewpoints, existing tree lines and proposed elevations. Pictures shall be digitally enhanced to simulate the appearance of the as built above the ground site facilities as they would appear from distances within three (3) mile radius of such wind turbines. No fewer than four (4) and no more than the number of proposed individual wind turbines plus three (3) color photos. Pictures from specific locations may be required by the Zoning Board of Appeals and all pictures shall be no smaller than 8"x10". This requirement may be waived for non-commercial WECS.

J. Documentation of the proposed intent and capacity of energy generation as well as a justification for the height of any wind energy deriving tower and justification for any clearing required.

K. Preliminary report proposed by the wind turbine siting agency describing:
   1) Surrounding topography in relation to the capabilities for generation of electricity by wind.
   2) Required improvements for construction activities, including those within the public right-of-way or land controlled by the Town of Stockton.
   3) Proposed mitigation measures for visual impacts of the tower facility.
   4) Proposed safety measures to mitigate wind energy-deriving tower failure.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1607- APPLICATION REQUIREMENTS (continued)

L. Elevation map showing the wind energy-deriving tower's height and design including a cross section of the structure and components of the nacelle; the wind energy-deriving tower's compliance with the applicable structural standards and the wind energy-deriving tower's abilities in terms of producing energy.

M. A description of the general geographic areas that would be acceptable for wind projects within the Town of Stockton; furthermore, demonstration that the proposed site is the most appropriate site within the immediate area for the location of the wind energy-deriving tower facility. (May waive for non-commercial WECS)

N. Description of the applicant's long range plans which project market demand and long range facility expansion needs within the Town.

O. Digital elevation model-based project visibility map showing the impact of visibility of the project from other locations, to a distance radius of three (3) miles from the center of the project. The base map used shall be a published topographic map showing natural and structural or built features. (May waive for non-commercial WECS)

P. Report showing soil logs, soil profile analysis and storm water run-off calculations for the area being disturbed.

Q. Plans to prevent the pollution of the surface or ground water, erosion of soil, both during and after construction, excessive run-off and flooding of other properties as applicable. There should be pre-construction and post-construction drainage calculations for the site done by a New York State licensed engineer showing there will be no increase of run-off from the site.

R. All information regarding requirements for migratory bird flyways with documents by the EPA, NYS DEC or US Fish and Wildlife Service.

S. A proposed real property tax agreement pursuant to Sec. 487 of the NYS Real Property Tax Law, providing for an agreed assessment for the Town, County and School Tax Bills covering the system.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1607- APPLICATION REQUIREMENTS (continued)

T. All information regarding FAA rules and regulations additional permits necessary or any other applicable regulations from the Federal Communications Commission (FCC) and Federal Aviation Agency (FAA) for installation of conversion systems. Proof of compliance with the FCC and FAA regulations shall be submitted prior to the issuance of a Special Use Permit by the Zoning Board of Appeals.

U. **Ice Throw Calculations** – A report from a Professional Engineer that calculates the maximum distance that ice from the turbine blades could be thrown (The basis of the calculation and all assumptions must be disclosed).

V. **Blade Throw Calculations** – A report from a Professional Engineer that calculates the maximum distance that pieces of the turbine blades could be thrown (The basis of the calculation and all assumptions must be disclosed).

W. **Catastrophic Tower Failure** – A report from the turbine manufacturer stating:

1) The wind speed and conditions that the turbine is designed to withstand (including all assumptions)
2) The incidence of catastrophic failures and the conditions reported at the time of failure.

X. A reclamation plan, which stipulates how the site will be restored to its natural state after it ceases to be operational.

Y. **Noise Report** - A noise report that shall at a minimum include the following:

1. A description and map of the project's noise producing features, including the range of noise levels expected, and the tonal and frequency characteristics expected, and the basis of the expectation.
2. A description and map of the noise sensitive receptors, i.e., residences, libraries, schools, places of worship and other facilities where quiet is important within two (2) miles of the proposed facility.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1607- APPLICATION REQUIREMENTS (continued)

Y. **Noise Report** - A noise report that shall at a minimum include the following:**(continued)**

3. A survey and report prepared by a qualified engineer, that analyzes the pre-existing ambient noise regime (including seasonal variation), including but not limited to: separate measurements of low frequency and A-weighted noise levels across a range of wind speeds (including near cut-in), turbulence measurements, distance from the turbines, location of sensitive receptors relative to wind direction; and analyses at affected sensitive receptors located two (2) miles of the proposed project site. Potential sensitive receptors at a relatively less windy or quieter locations than the project should be emphasized.
4. A description and map showing the potential noise impacts, including estimates of expected noise impacts upon construction and operation workers, and estimates of expected noise levels at sensitive receptor locations.
5. A description and map of the cumulative noise impacts.
6. A description of the projects proposed noise control features, including specific measures proposed to protect workers, and specific measures proposed to mitigate noise impacts for sensitive receptors to a level of insignificance.
7. Identification of any problem areas.
8. Summary of Project Developer's proposed Noise Complaint Resolution Program.
9. Manufactures Noise design and field-testing data (both audible (dB (A)) and low frequency (deep base vibration) for all proposed structures.
10. A report that outlines issues and considerations for individuals that use hearing aids.

SECTION 1608- STANDARDS

The development of the wind-deriving towers and related structures may be permitted with approval by the Zoning Board of Appeals. Wind energy-deriving towers and facilities shall be subject to the following requirements:

A. **Location:** Applicant's for wind energy-deriving towers shall locate, erect and site towers in accordance with the following requirements:

1. No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the links operation.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS - (continued)

A. **Location:** Applicant's for wind energy-deriving towers shall locate, erect and site towers in accordance with the following requirements **(continued)**

2. No individual tower facility shall be installed in any location where its proximity with existing fixed broadcast or reception antenna (including residential reception antenna) for radio, television or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
3. No individual tower facility shall be installed in any location where there is a recognized migratory flight path for birds or at a location where birds commonly congregate, unless applicant can demonstrate that the operation of the wind energy-deriving tower will not have a significant impact on either migratory or resident birds. Conclusions of no significant impact with in these recognized areas shall be the results of studies conducted over a period of a minimum of two years by expert consultant(s), at the expense of the applicant.
4. All wind turbine towers shall be set back from adjacent property lines and any pre-existing structures. Additional set backs may be required by the Zoning Board of Appeals in order to provide for the public safety, health and welfare as stated herein. The Zoning Board of Appeals shall have the authority to grant variances as to the distance requirement where there is a WECS development on contiguous parcels and/or the Zoning Board of Appeals has sufficient information in the form of engineering data submitted by the applicant to permit the distance variance. The decision as to the variance, if any, shall be in the sole and absolute discretion of the Zoning Board of Appeals and not subject to review or appeal.
5. Individual wind turbine towers shall be located with respect to property lines so that the level of noise produced meets or exceeds the recommendations, criteria, results and concerns of the required Noise Report from Section 1607.
6. Wind Turbines shall be painted a non-obtrusive (e.g. light environmental color such as white, gray or beige) color that is non-reflective.
7. The design of commercial wind energy Facility buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility to the natural setting and existing environment.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS- (continued)

A. **Location:** Applicant's for wind energy-deriving towers shall locate, erect and site towers in accordance with the following requirements **(continued)**

8. No WECS tower shall be constructed at a distance closer than one and a half times the height of the tower plus the rotor radius laterally of an overhead electrical power line (excluding secondary electrical service lines or "service drops"). The set back from the underground electrical and gas distribution lines shall be at least one and a half times the height of the tower.
9. A New York State licensed professional engineer shall certify that the construction and installation of the conversion system meets or exceeds the manufacture's construction and installation standards.

B. **Emergency Shutdown/Safety**

1. Procedures acceptable to the Zoning Board of Appeals for emergency shutdown of power generation units shall be established and posted prominently and permanently in at least one location on the road frontage of each individual commercial unit site.
2. No tower or facility shall exhibit any signs or advertising. Applicant shall post an emergency telephone number so that the appropriate people may be contacted should any wind energy-deriving tower need immediate attention.
3. No wind turbine shall be permitted to lack an automatic braking, governing or feathering system to prevent uncontrolled rotation, over spreading and excessive pressure on the tower structure, rotor blades and turbine components or nacelle. A licensed professional engineer shall certify that the rotor and over speed control design and fabrication conform to good engineering practices. No changes or alterations from the certified design shall be permitted unless accompanied by a licensed professional engineer's statement of certification.
4. The safety of the design of all conversion systems shall be certified by a licensed professional engineer experienced in WECS. The standard for certification shall be good engineering practices and shall conform to New York State and Chautauqua's officially adopted building and electrical codes.
5. The minimum distance between the ground and any part of the rotor blade should be thirty (30) feet.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS –(continued)

C. Lighting

1. Wind energy turbine towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA), or to avert avian collisions if recommended by an expert consultant.
2. Use of night time and overcast daytime condition, non-blinking red lighting to satisfy tower facility lighting requirements for the FAA shall be subject to on-site field testing before the Zoning Board of Appeals as a pre-requisite to the Boards approval as it applies to existing residential uses within 2000 feet of each tower for which any lighting is proposed. Any lighting, which may be required by the FAA, shall not consist of strobe lights unless of medium intensity flashing white lighting system, used only in the daylight.

D. Utility Service
All power transmission lines from the wind generation electricity generation facilities to non-site substations shall be underground.

E. Height

1. The height of any wind energy-deriving tower shall be limited to the minimum required to provide needed energy by demonstrated demand, or need.
2. Non-Commercial WECS shall not exceed a total of seventy-five (75) feet unless the parcel on which the WECS is to be located is ten (10) acres or more, in which case the maximum height of the tower, excluding the turbine and blades, shall be 100 feet.
3. Commercial WECS shall not exceed a total height of 400 feet, including the turbine and blades.

F. Access Road
Existing roadways shall be used for access to the site whenever possible. In the case of constructing roadways, they shall be constructed in a way so that they do disrupt normal drainage patterns, and are not conspicuous to the surrounding environment.

G. Accessory Structures/Facilities
Transmission facilities and or buildings shall be located behind ridges or vegetation to screen from visibility. Removal of trees and other vegetation on the site shall affect the minimum area and number of trees possible to minimize soil erosion.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS (continued)

H. Security Provisions

1. No climbing device of any kind shall be attached to the outside of a commercial WECS. Only internal ladders with locked doors.
2. All towers or poles must be unclimbable by design or protected by anti-climbing devices such as:
   A. Fences with locking portals at least eight (8) feet high.
   B. Anti-climbing devices twelve (12) feet from the base of the pole.
   C. Anchor points for guy wires supporting a tower shall be enclosed by an eight (8) foot-high fence or shall be located within the confines of a yard, which is completely fenced.
3. A WECS is prohibited upon the roof of any structure unless the structure has been approved for installation of a conversion system by a structural engineer certified by the State of New York.

I. Compliance with National Electrical Code

1. Building permit applications shall be accompanied by a one line drawing identifying the electrical components of the wind system to be installed in sufficient detail to allow for a determination that the manner conforms to the National Electrical Code. The application shall include a statement from a New York State licensed professional engineer indicating that the electrical system conforms to good engineering practices and complies with the National Electrical Code. The manufacturer normally supplies this certification. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.
2. All electrical components, storage facilities, wire conduit and inter connections with utility companies shall conform to national, state, county and local codes. To minimize fire hazard, all electrical wiring shall be placed under ground in conformance with all applicable codes. All electrical lines shall be placed in compliance with the current electrical code standards and appropriately marked and identified as specified by the Town. A visible warning sign of "High Voltage" will be placed at the base of all WECS. The letters on the sign shall be a minimum of six (6) inches in height.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS (continued)

J. Liability

Prior to issuance of a Building Permit, the applicant shall provide the Town with proof, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of liability insurance, of a level to be determined by the Town Board in consultation with the Town's insurer, to cover damage or injury which might result from the failure or operation of a tower or towers or any other part (s) of the generation and transmission facility.

K. Abatement

1. If any WECS remains non-functional or inoperative for a continuous period of six (6) months, the Permittee shall remove the WECS at their expense. Removal of the system shall include the removal of the entire structure, including foundations and transmission equipment from the property. The applicant must provide the Town with notice of discontinued use of any WECS within thirty (30) days of such discontinuance.
2. **Bond/Security-** All successful applicants shall furnish and file with the Town Clerk a bond or other form of security in the amount of one million dollars ($1,000,000.00) to cover damage to any Town property. The bond shall remain in valid and enforceable during the entire time the facility is permitted and for such reasonable time thereafter as may be necessary to ensure that potential damage to Town property has not occurred during the construction phase of the project. The special use permit shall also require a successful applicant to execute and file with the Town Clerk a separate bond or other form of security acceptable to the Town Board and Town Attorney in an amount sufficient to ensure the faithful removal of the WECS and the restoration of the site subsequent to its removal. The amount of the bond or security shall be no less than 125% of the estimated cost of the removal of the WECS and restoration of the site, determined by a Professional Engineer. Estimate WECS removal costs and site restoration costs, should be reviewed and updated at least once every five (5) years or as deemed necessary by the Town.
3. If removal of towers and appurtenant facilities is required and the applicant, permit holder, or successors fails to remove the towers and appurtenant facilities from the property within thirty (30) days from the date of notification by the Town Board, the Board shall contract for such removal and pay for removal from the bond.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1608- STANDARDS – (continued)

L. Right of Entry and Inspection

1. The Code Enforcement Officer or any duly authorized agent of the Town shall be allowed to enter on the property and make such inspections as deemed necessary during the construction and assembly of the WECS.

2. Following construction, the Code Enforcement Officer or a registered professional engineer retained by the Town shall have the right at any reasonable time to enter in the company of the owner, or his agent, the premises on which the WECS has been constructed to inspect all parts of its tower and installation. They can require that repairs or alterations be made if, in their judgment, there exists a deficiency in the structural stability of said tower.

3. After conducting an inspection, the Code Enforcement Officer may order the owner of a WECS to render said WECS inoperative for reasons related to assuring safety of operations, abating noise or eliminating electromagnetic interference. The owner of the WECS shall not return the WECS to service until any and all of the reasons, which caused the Code Enforcement Officer to issue the order to the owner to make said WECS inoperative have been corrected to the satisfaction of the Code Enforcement Officer.

4. Prior to allowing a WECS to resume operations, The Code Enforcement Officer may require the owner of the WECS to have an inspection made and a report issued by a professional engineer licensed in the State of New York, certifying that the WECS and/or tower is safe.

M. Fees

Permit and inspection fees shall be established by the Town Board pursuant to Article VII, Section 704.

ARTICLE XVI
WIND ENERGY CONVERSION SYSTEMS

SECTION 1609 – WECS FACILITIES MAINTENANCE

The Town Code Enforcement Officer and/or Building Inspector are empowered to enforce these regulations.

1. The sufficiency of the bond for removal shall be confirmed at least every five (5) years by an analysis of the cost of removal and property restoration performed by a licensed New York State professional engineer with results to be communicated to the Town. If the bond amount in force is not sufficient to cover the cost of removal, it shall be increased within fourteen (14) days to cover such amount.
2. The Facility shall be inspected at least every two (2) years for structural integrity by a New York licensed professional engineer and a copy of the inspection report submitted to the Town.
3. All WECS shall be maintained in good order and repair and all such work shall comply with all applicable code requirements of any governmental body issuing such rules and/or regulations.
4. No outside storage of vehicles, materials or waste shall be allowed except for the limited periods when the facility is undergoing construction, repair or maintenance.

SECTION 1610 – EXEMPTIONS

WECS may be repaired and maintained without restriction.

SECTION 1611 – VIOLATIONS/PENALTIES

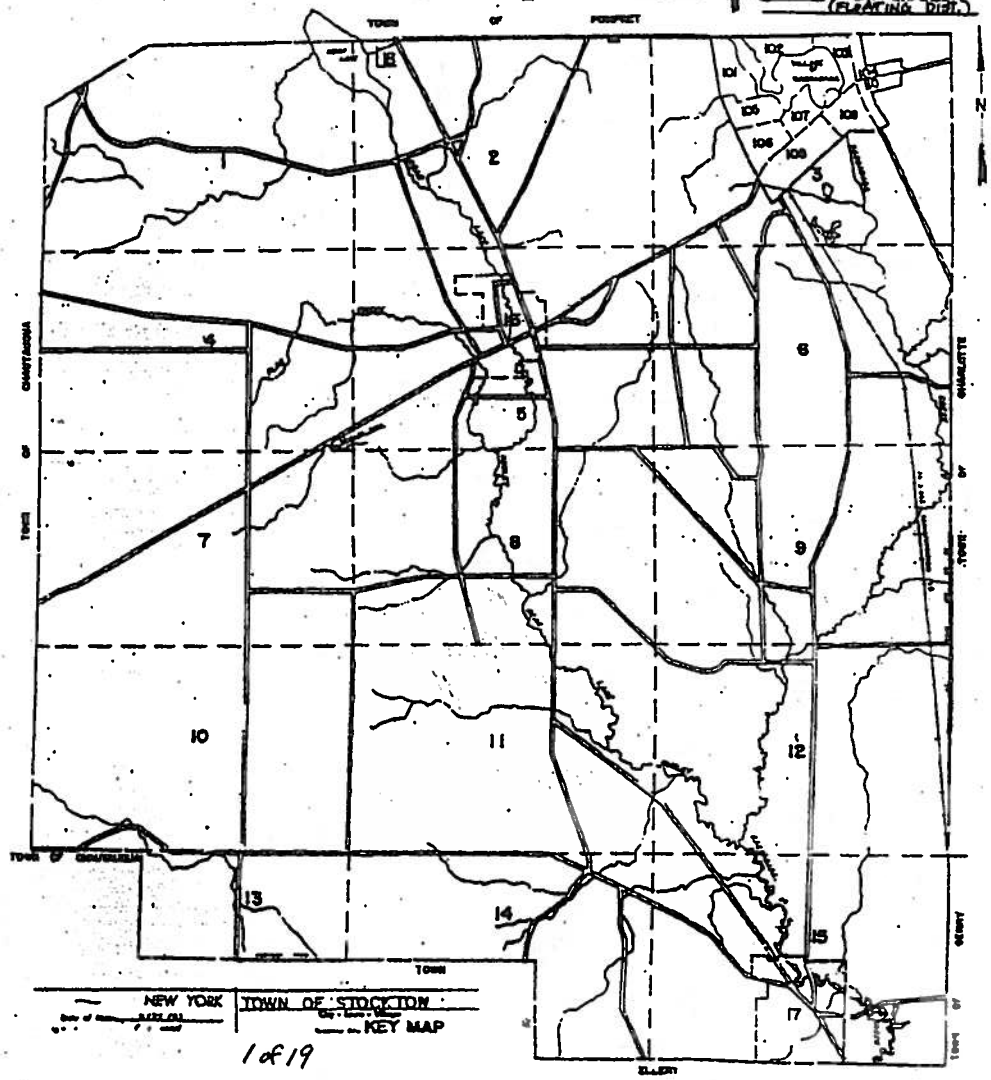
This article is adopted pursuant to the zoning and planning powers granted to the Town under Town Law of the State of New York and other applicable law, rule and regulation. In the event of any violation of this article or permit issued hereunder, the Town may seek enforcement under any available authority, including but not limited to Town Law, Section 268, as from time to time amended.

Any applicant upon receipt of a Special Use Permit for a Wind Energy Conversion System Facility that substantially does not meet any of the requirements and/or conditions of that permit, shall have its permit revoked and the WECS Facility removed within ninety (90) days of notification by the Town of such violation.
Nothing herein shall limit or prohibit the Town from seeking equitable or injunctive relief for a violation of this article in any court of competent jurisdiction.

TOWN of STOCKTON
ZONING MAPS
by TAX MAP SECTIONS

MAPPING INFORMATION IS BASED ON ZONING MAP from TOWN of STOCKTON (DEC. 3, 1973)

R RESIDENTIAL
AR AGRIC/RESID.
AG AGRICULTURAL
L LAKESIDE
B BUSINESS
I INDUSTRIAL (FLOATING DIST.)



NEW YORK | TOWN OF STOCKTON
KEY MAP

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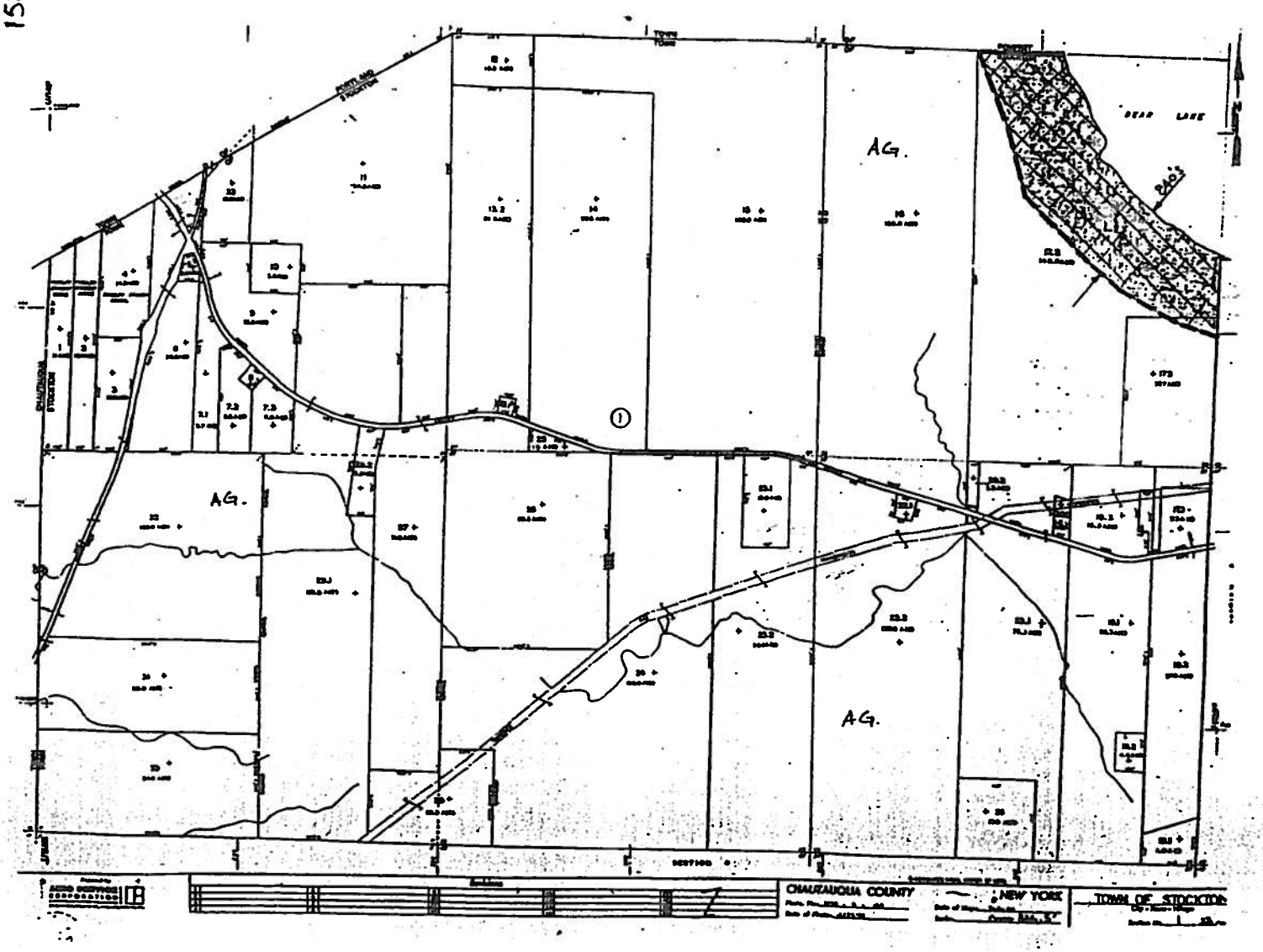
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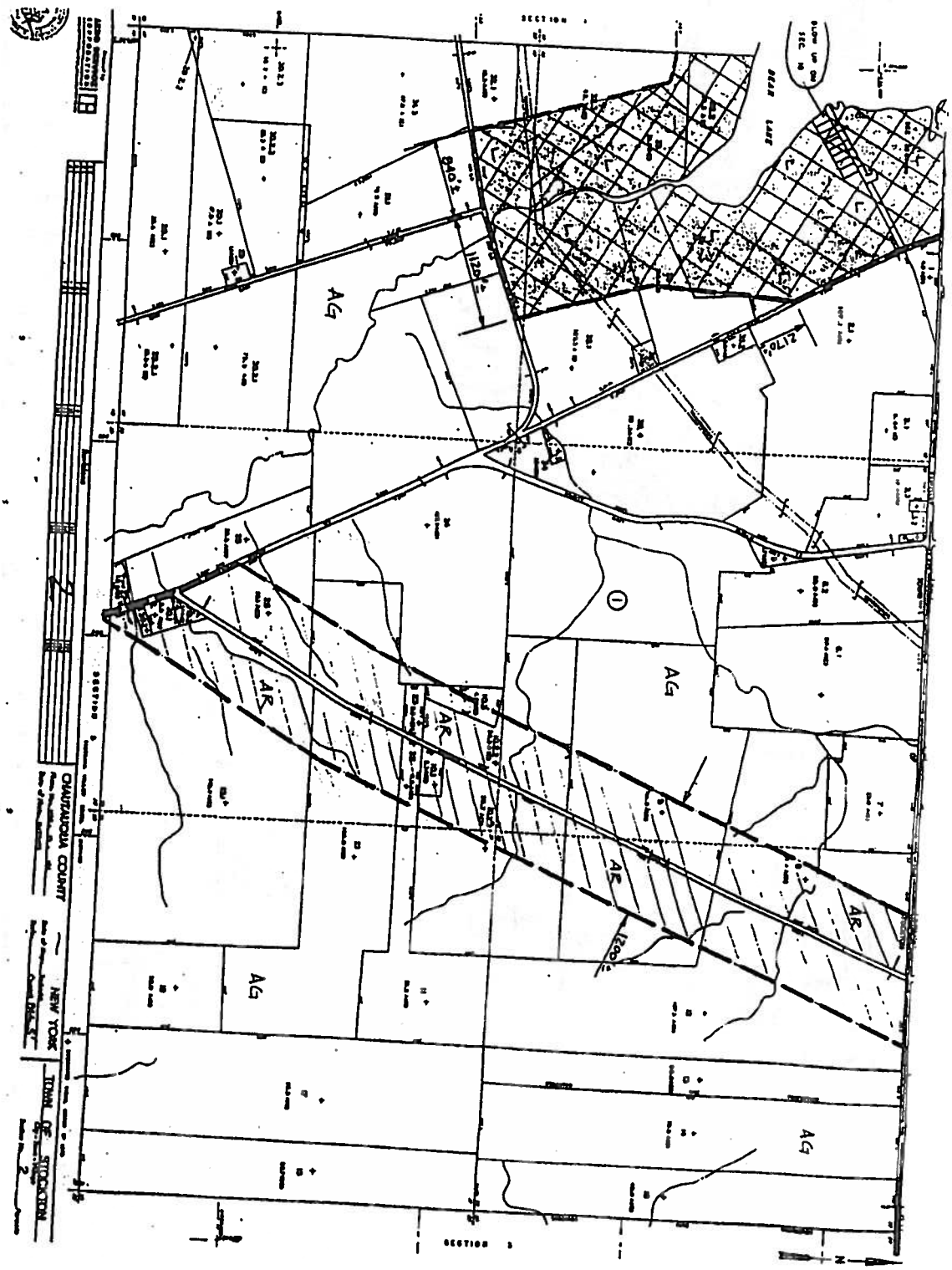
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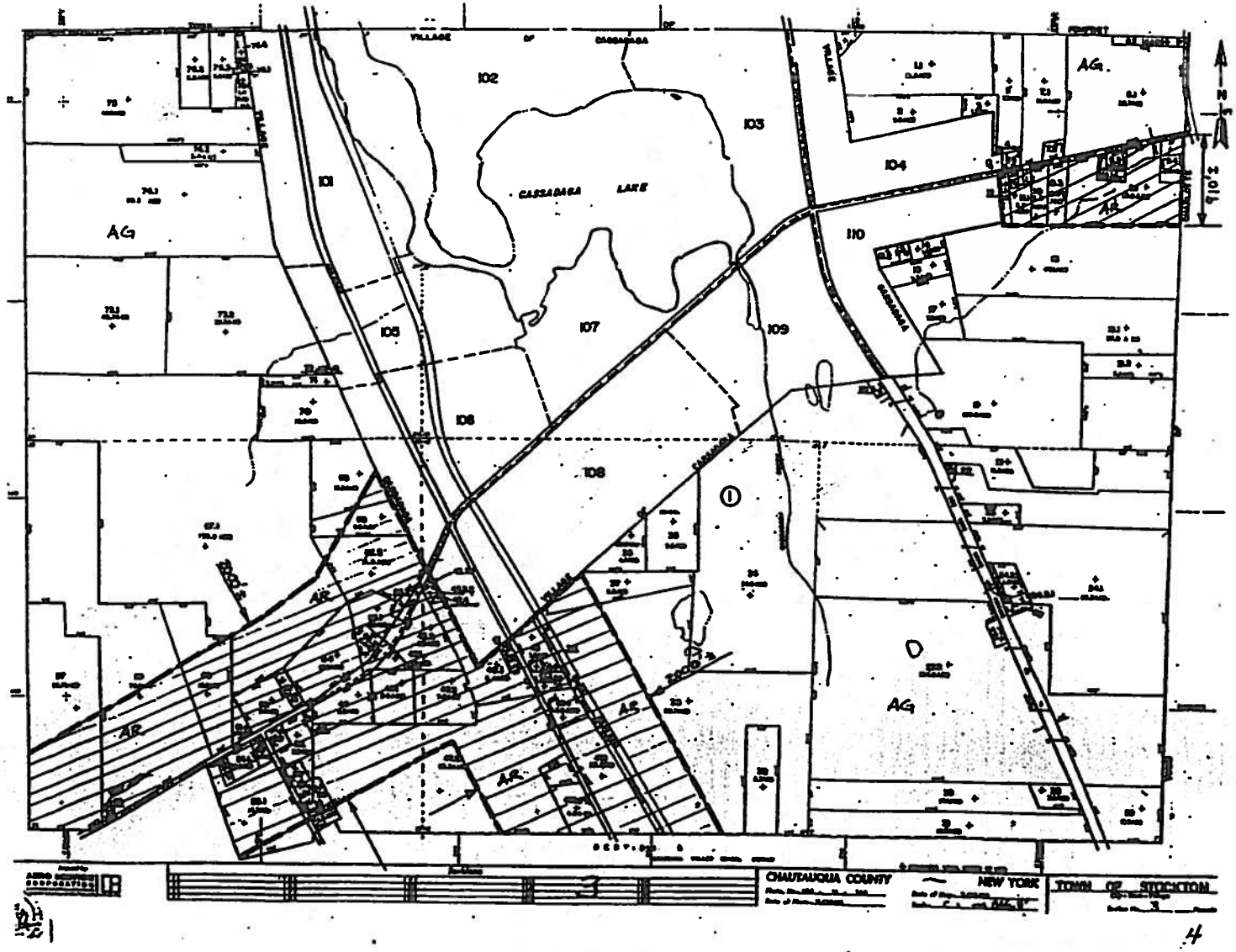
SECTION 5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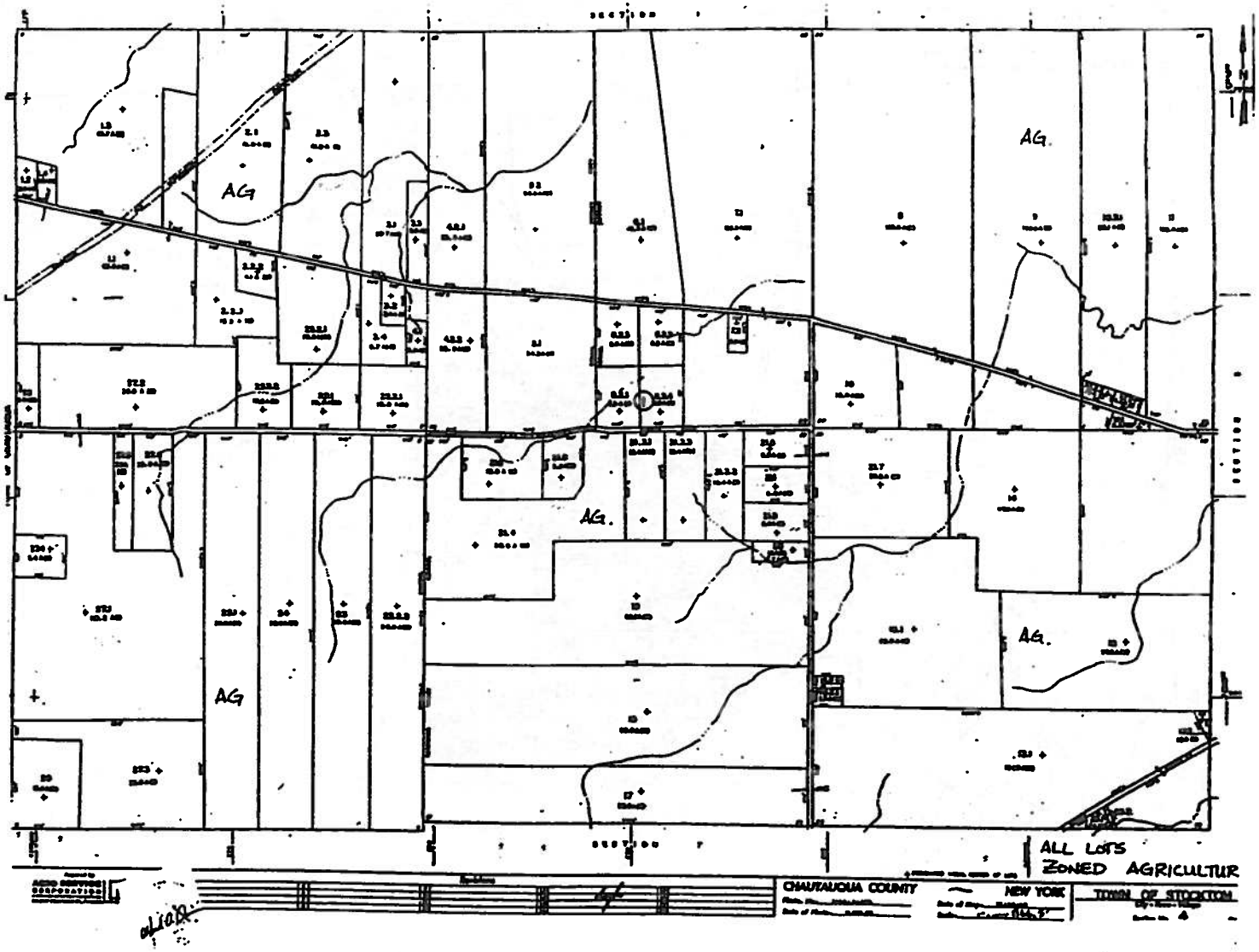
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ALL LOTS
ZONED AGRICULTUR
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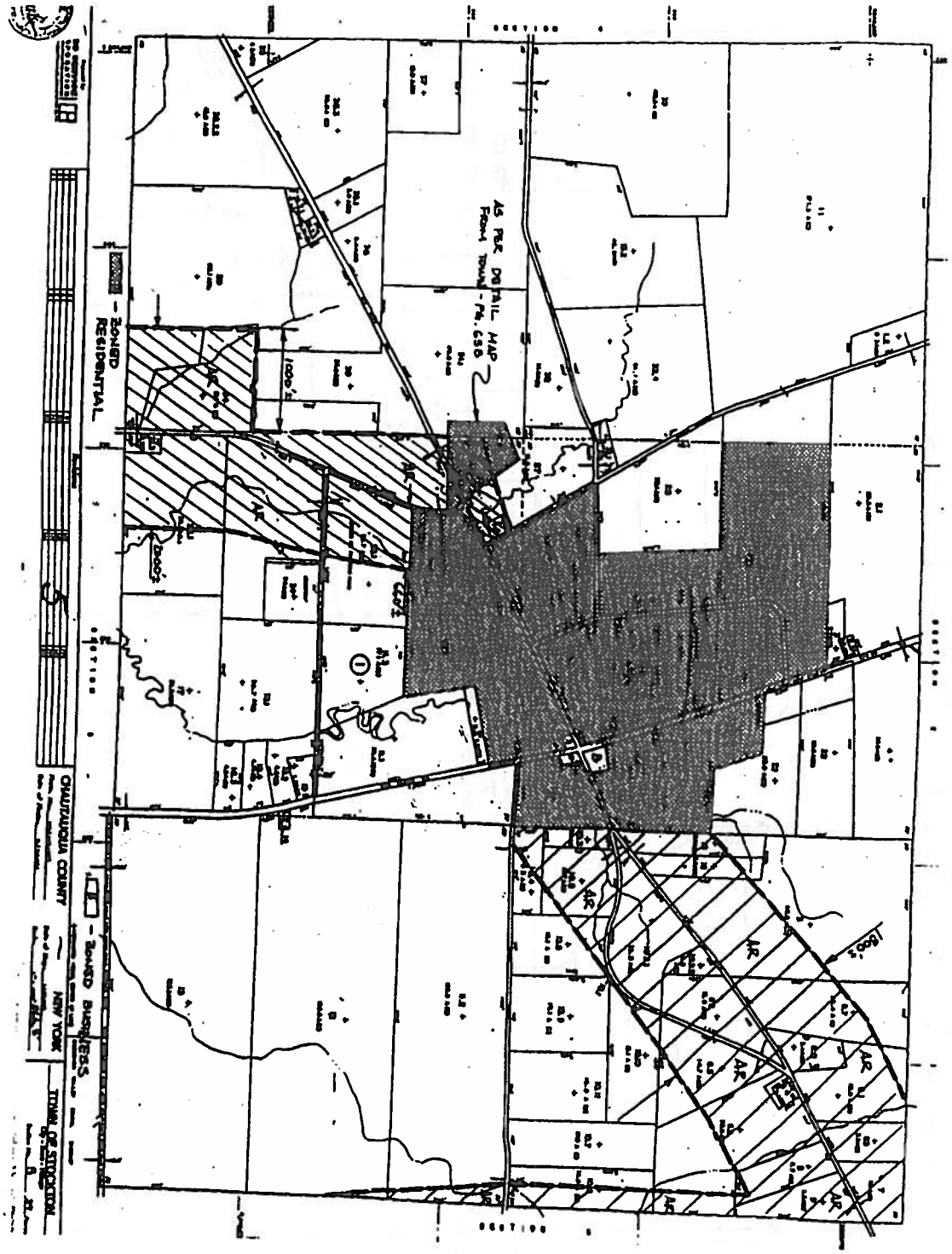
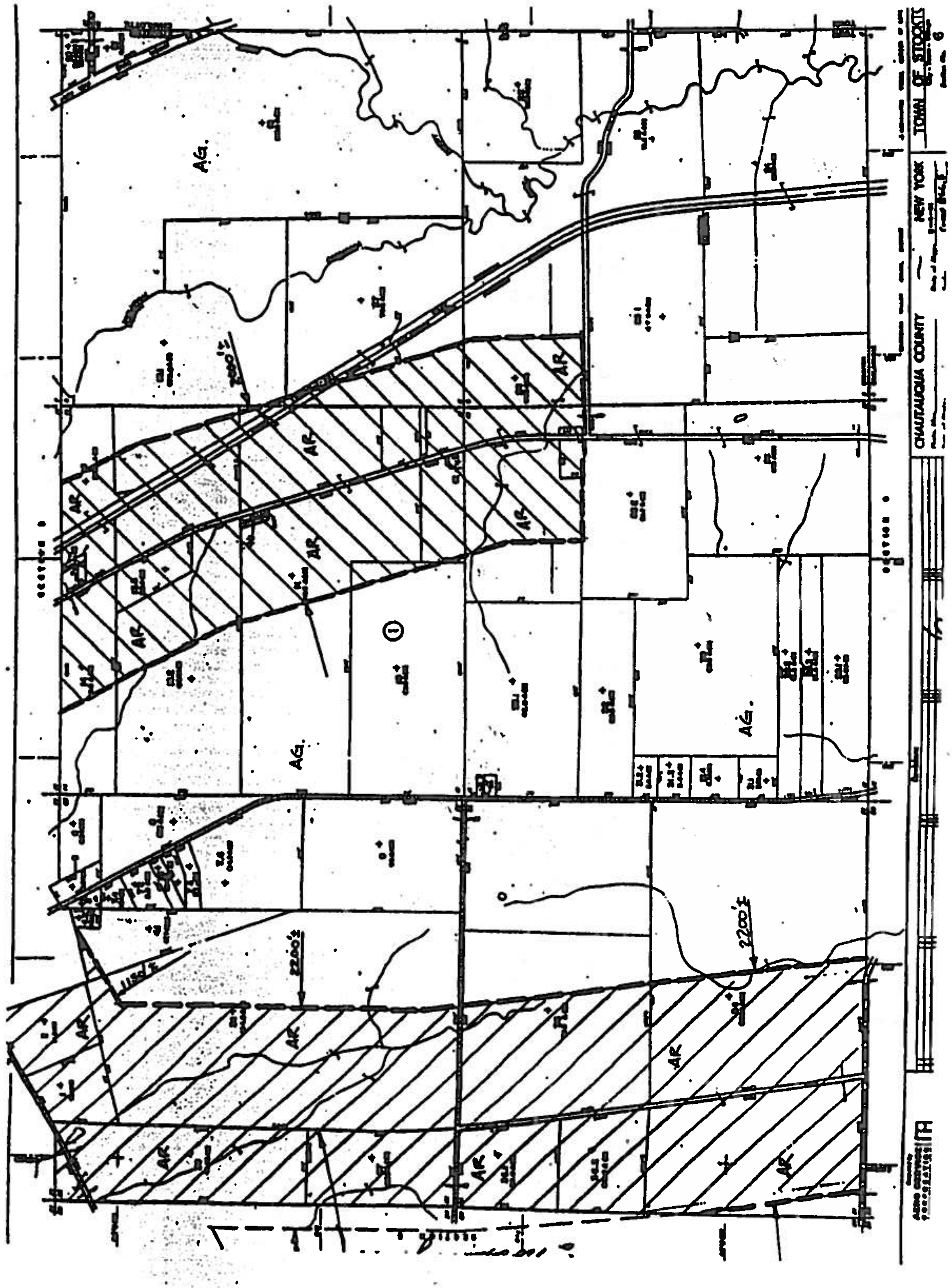
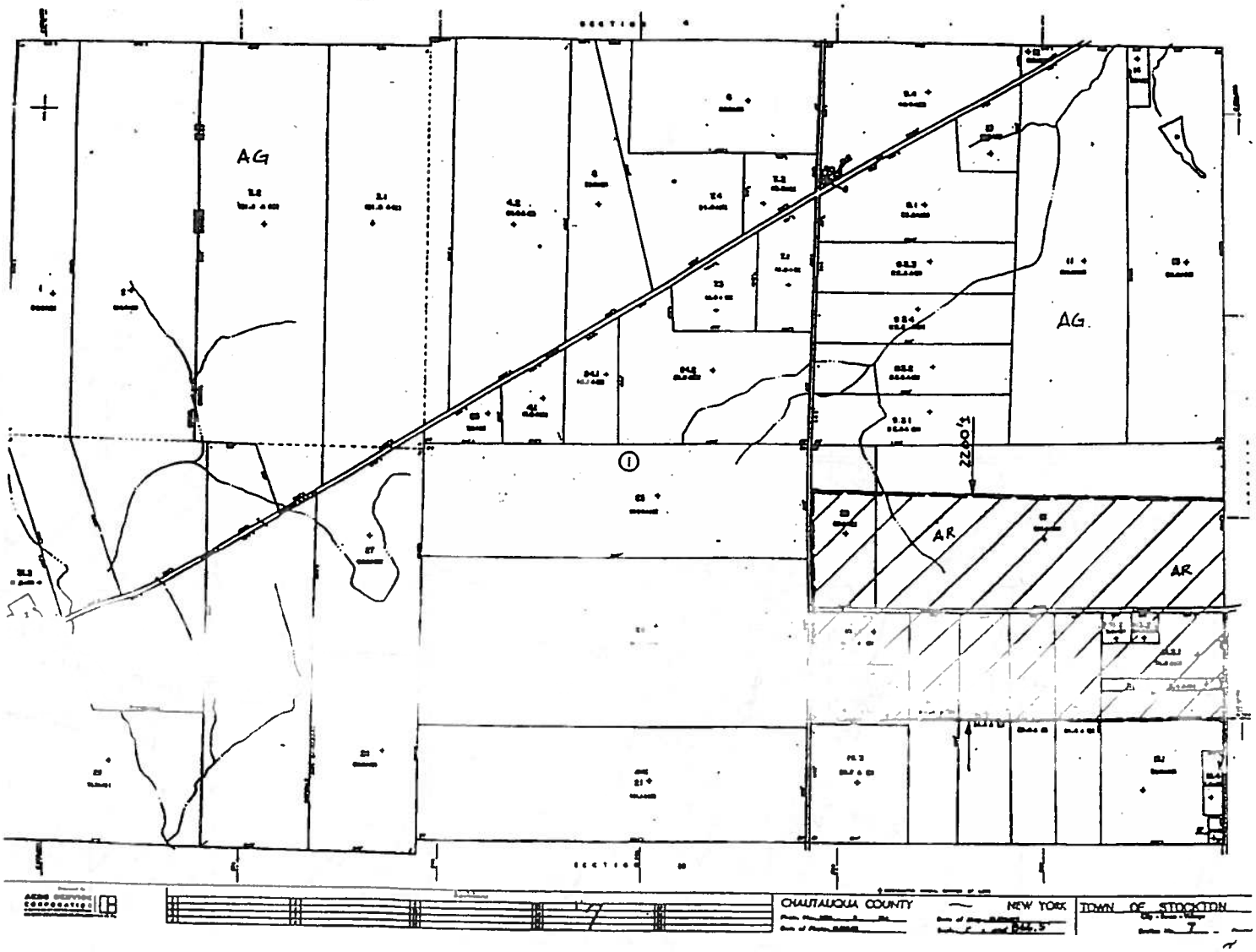
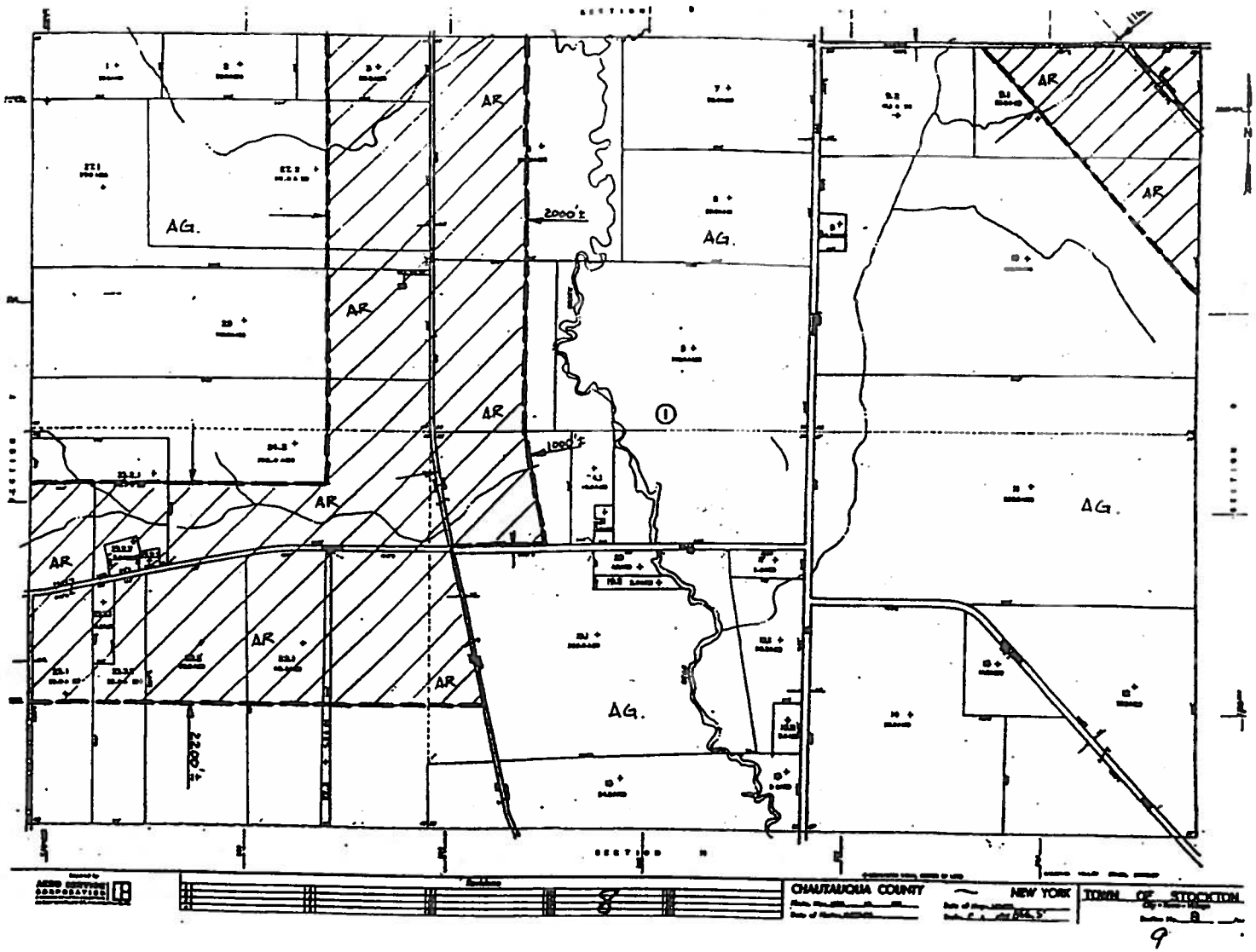
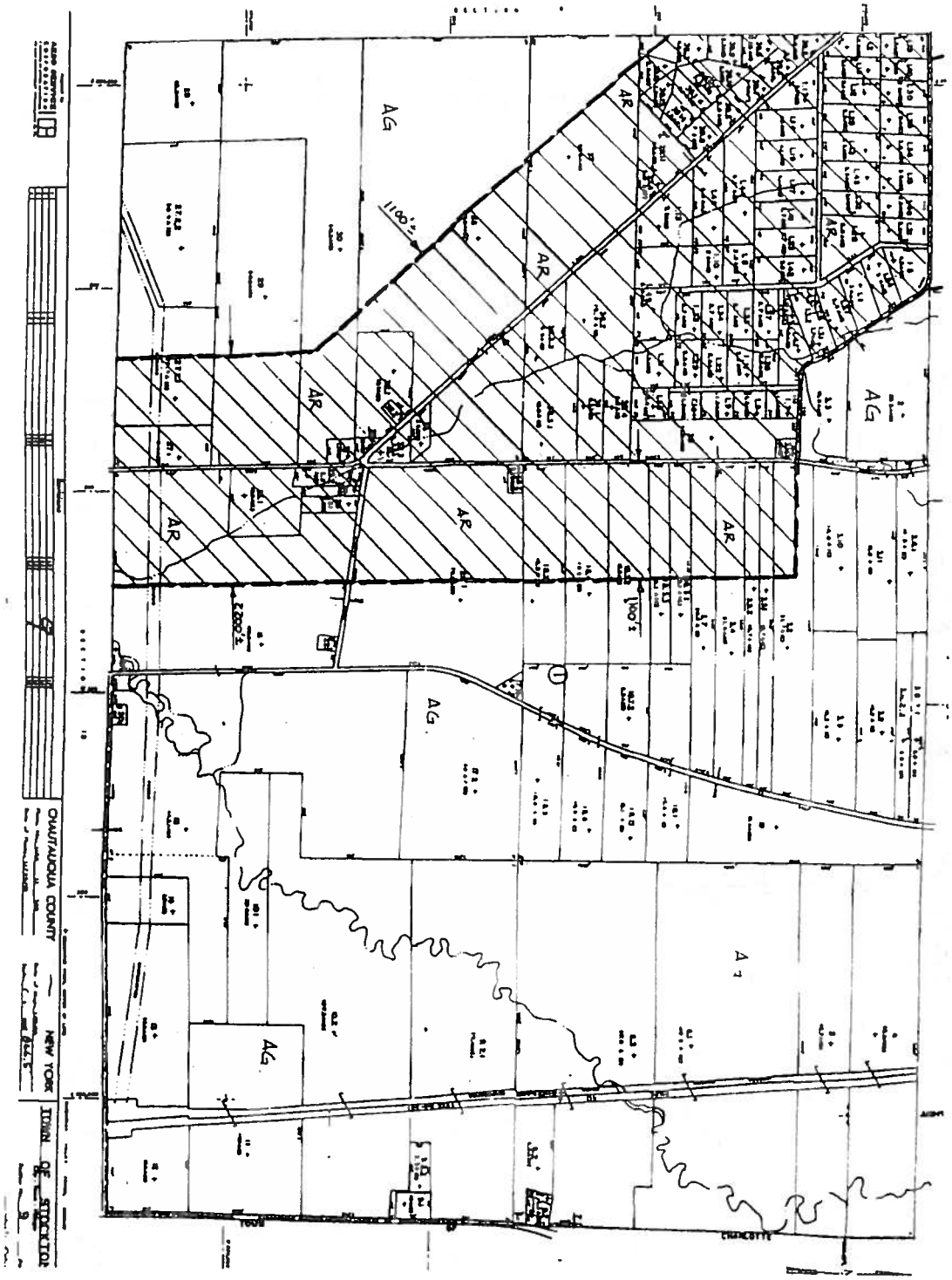
TOWN OF STOCKTON

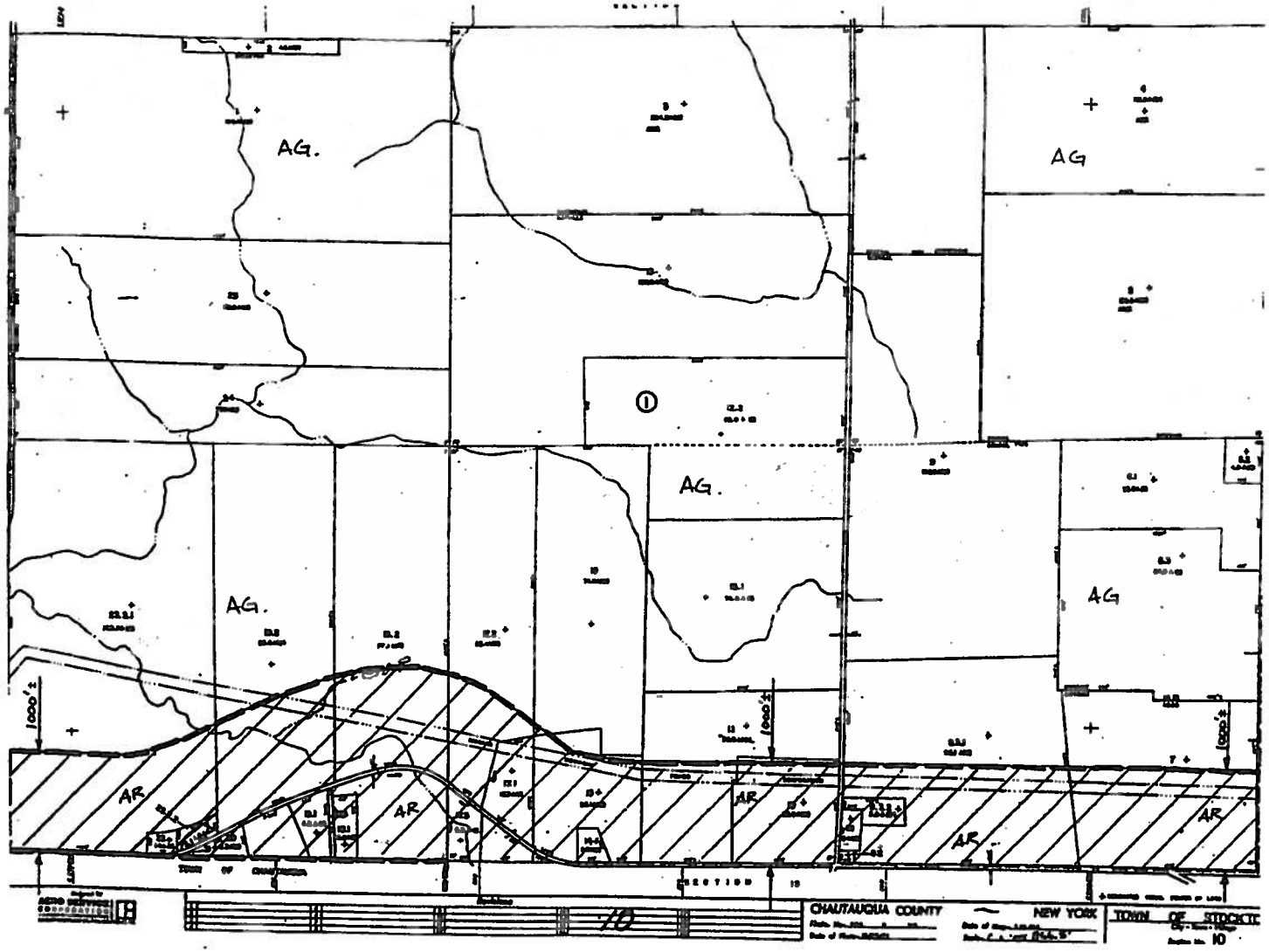

AS PER DETAIL MAP
FROM TOWN - PA. 658
- ZONED RESIDENTIAL
- ZONED BUSINESS
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOCKTON
AR
1000'±
1800'±

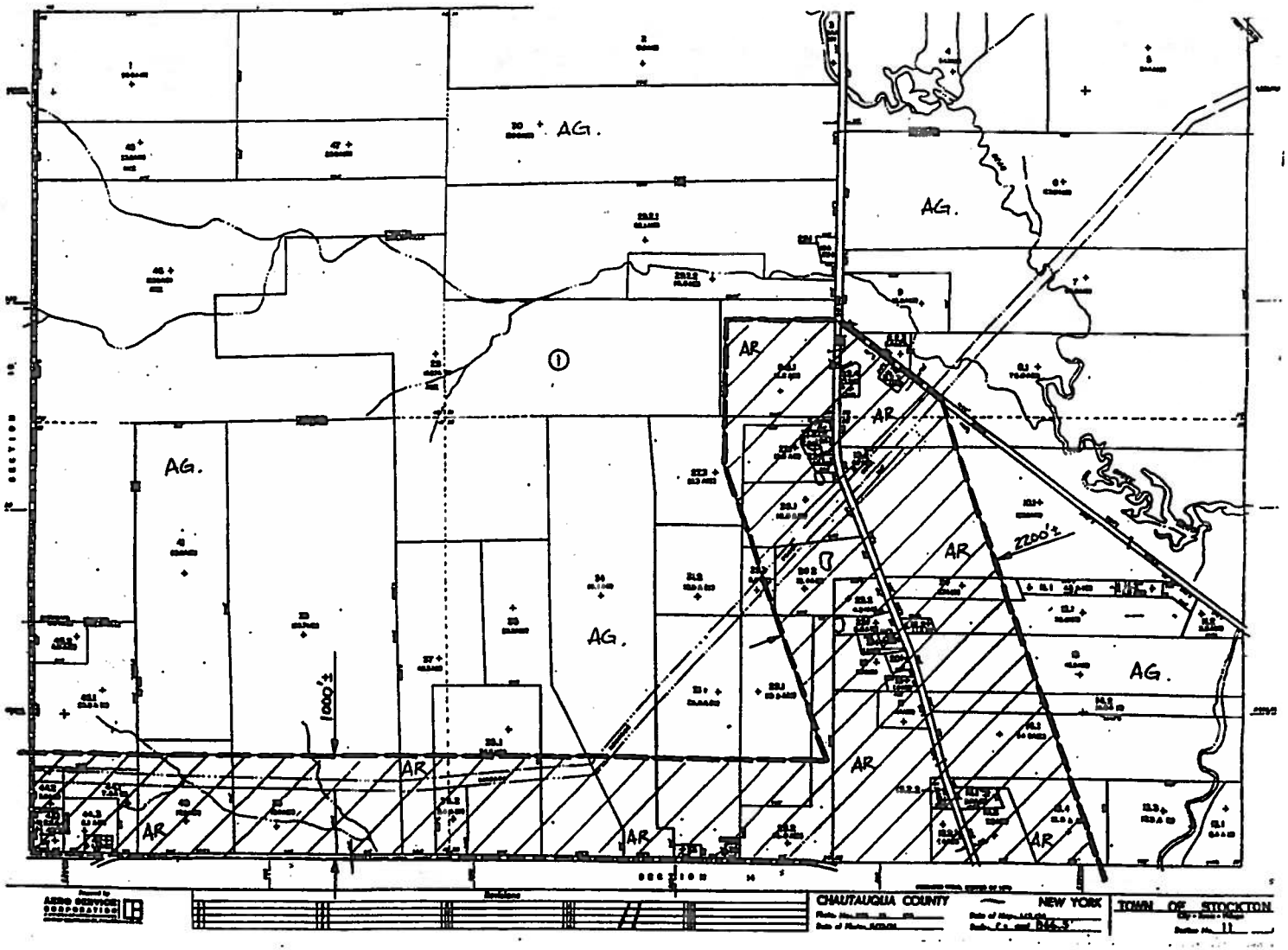

TOWN OF STOCKTON
NEW YORK
CHAUTAUQUA COUNTY
AG.
AR
2200±


AG
AG
AR
AR
2260'±
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOCKTON

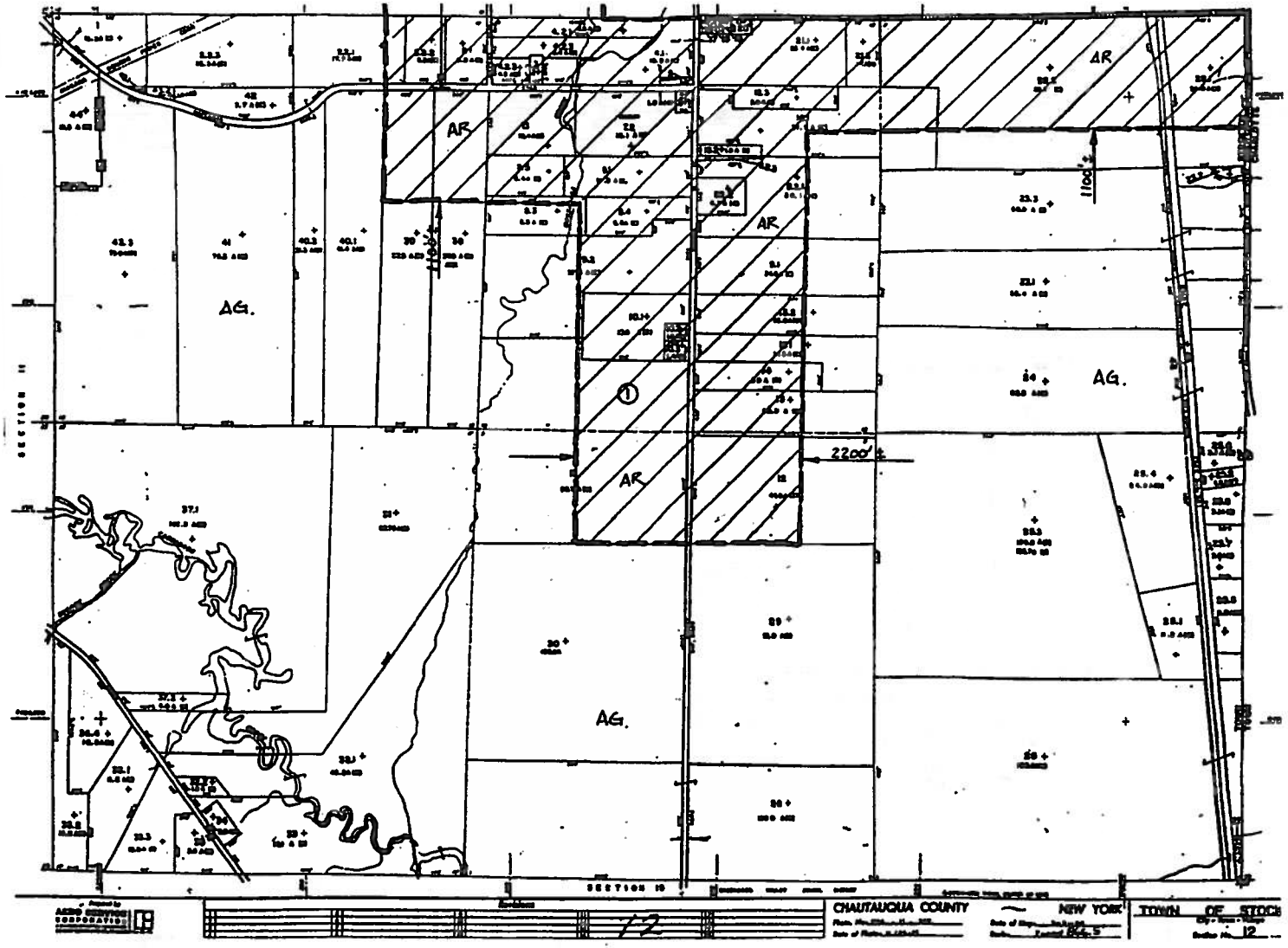

AR
AG.
2000'±
1000'±
2200'±
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOCKTON
8
9

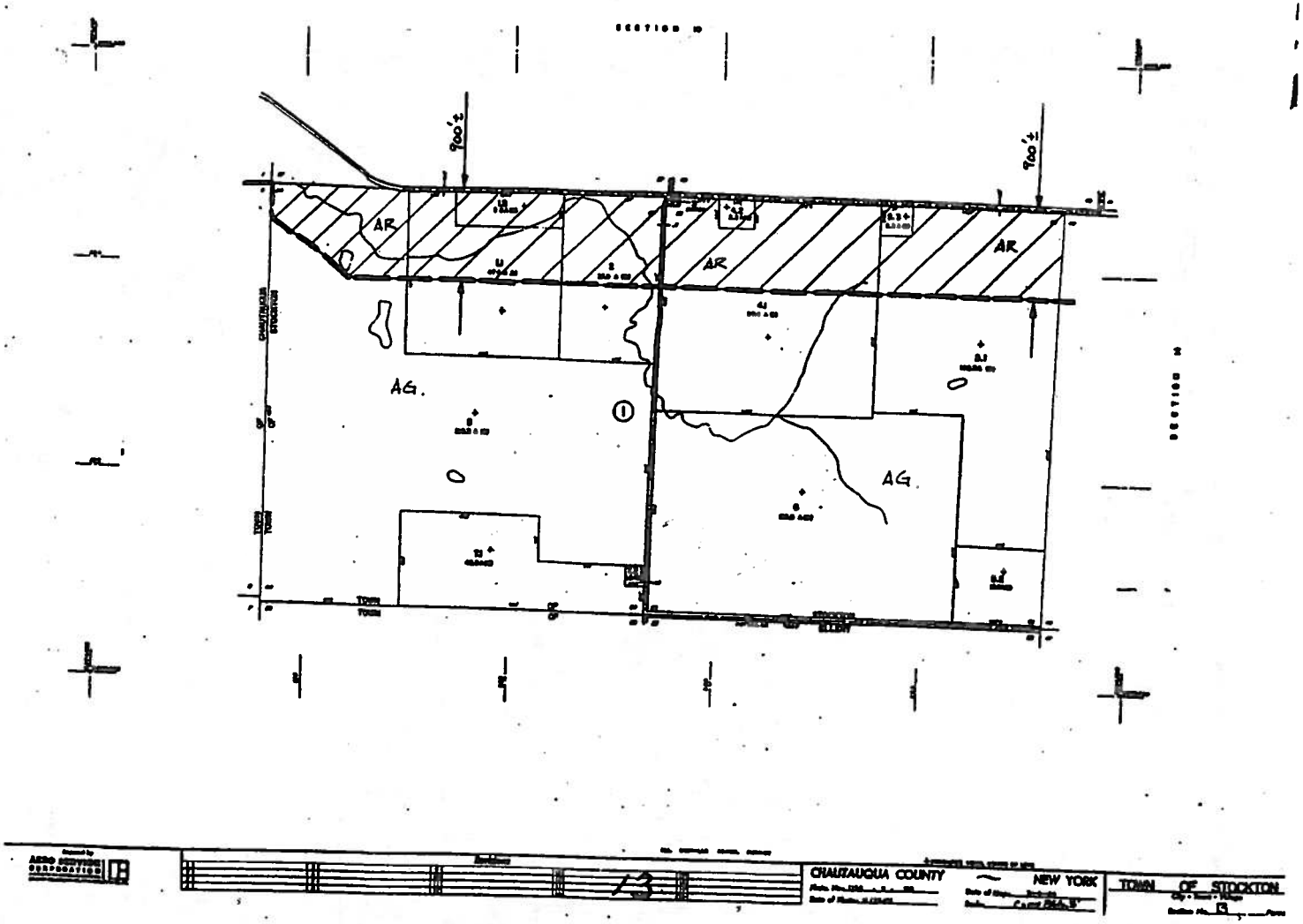

AG
AR
AR
AR
AR
AR
AR
AR
AR
AG
AG
AG
AG
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOCKTON

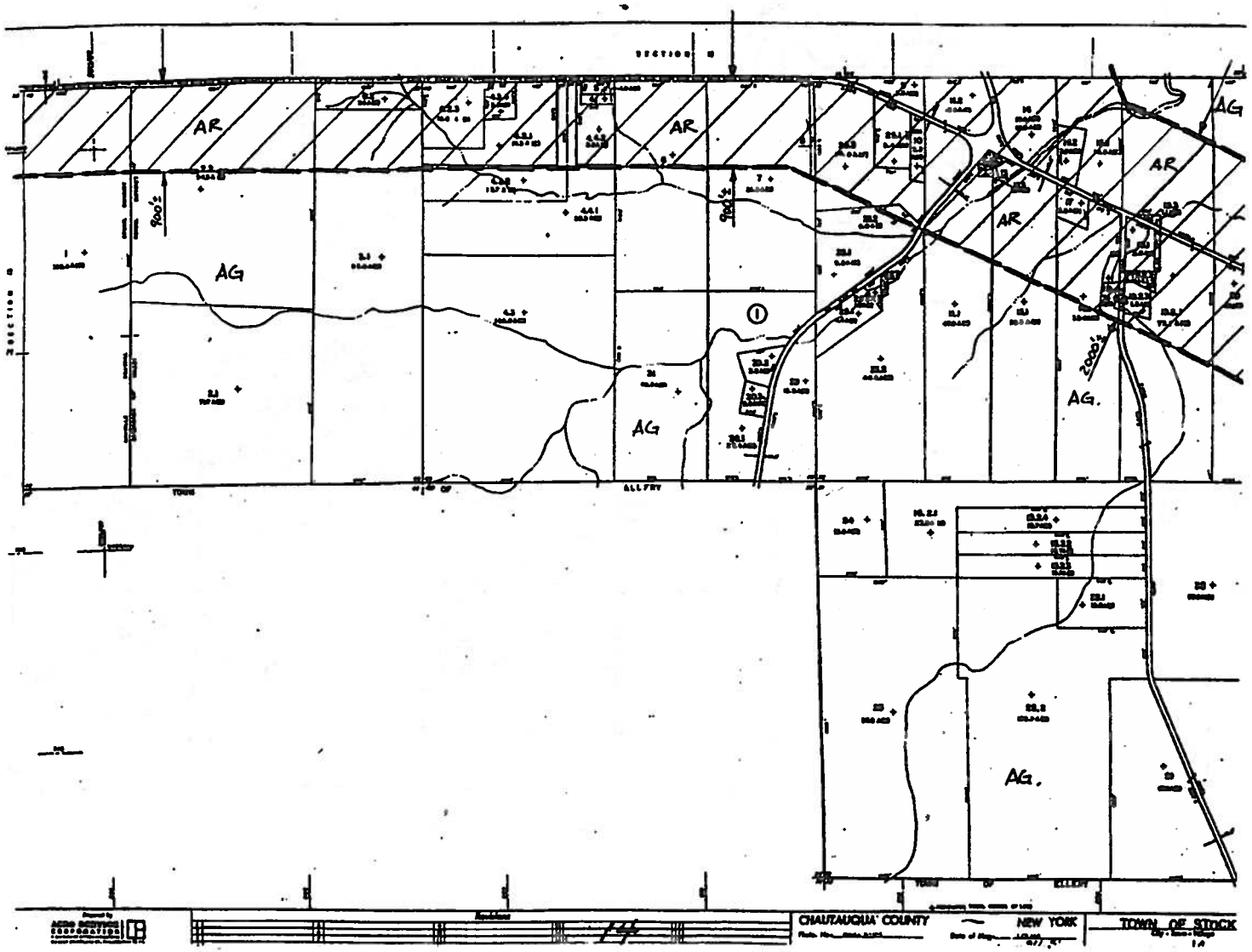

AG.
AG
AG.
AG.
AG
AR
AR
AR
AR
AR
1000'±
1000'±
1000'±
1
10
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOCKTO
10

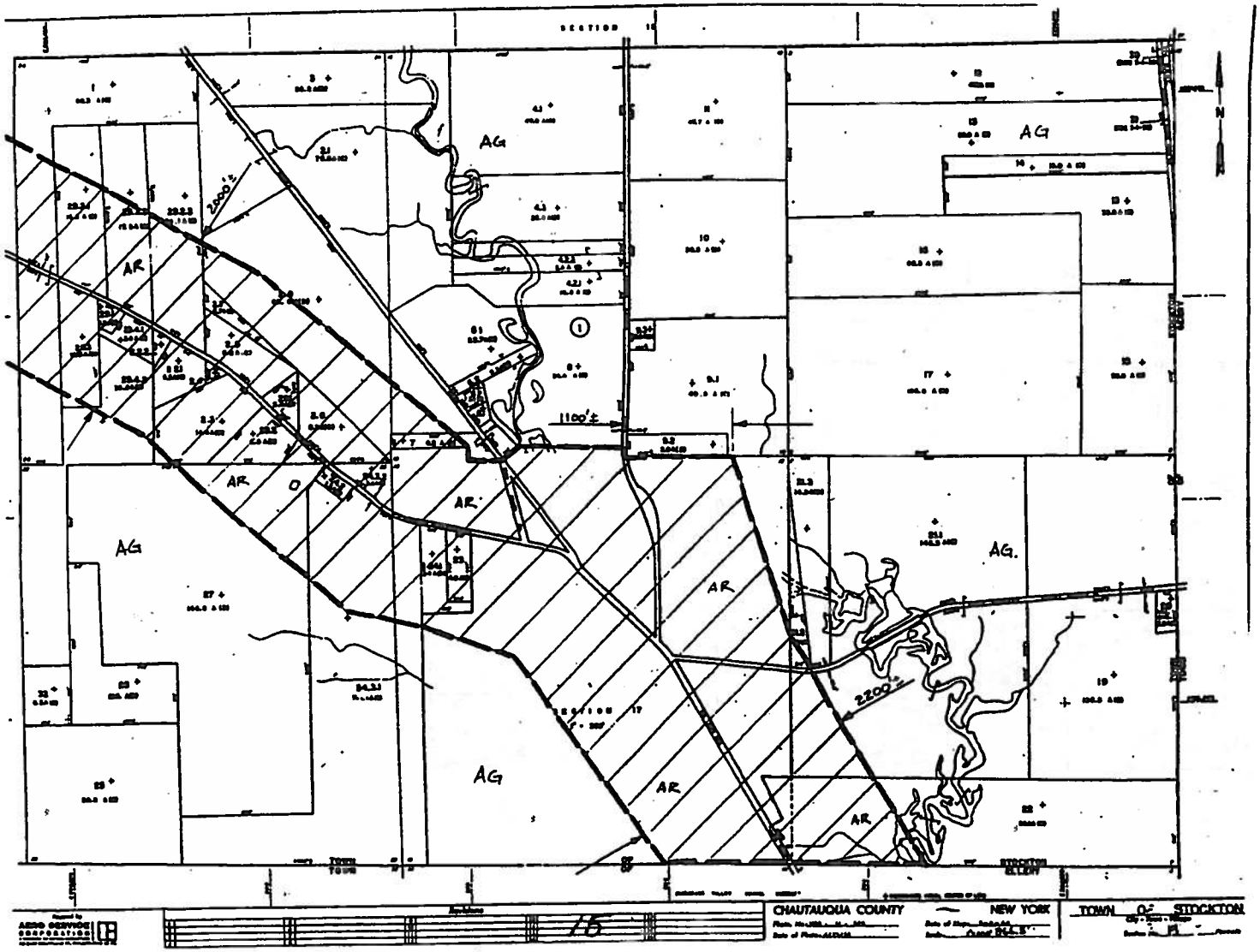

AG.
AG.
AG.
AG.
AG.
AR
AR
AR
AR
AR
AR
AR
1000'±
2200'±
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOCKTON

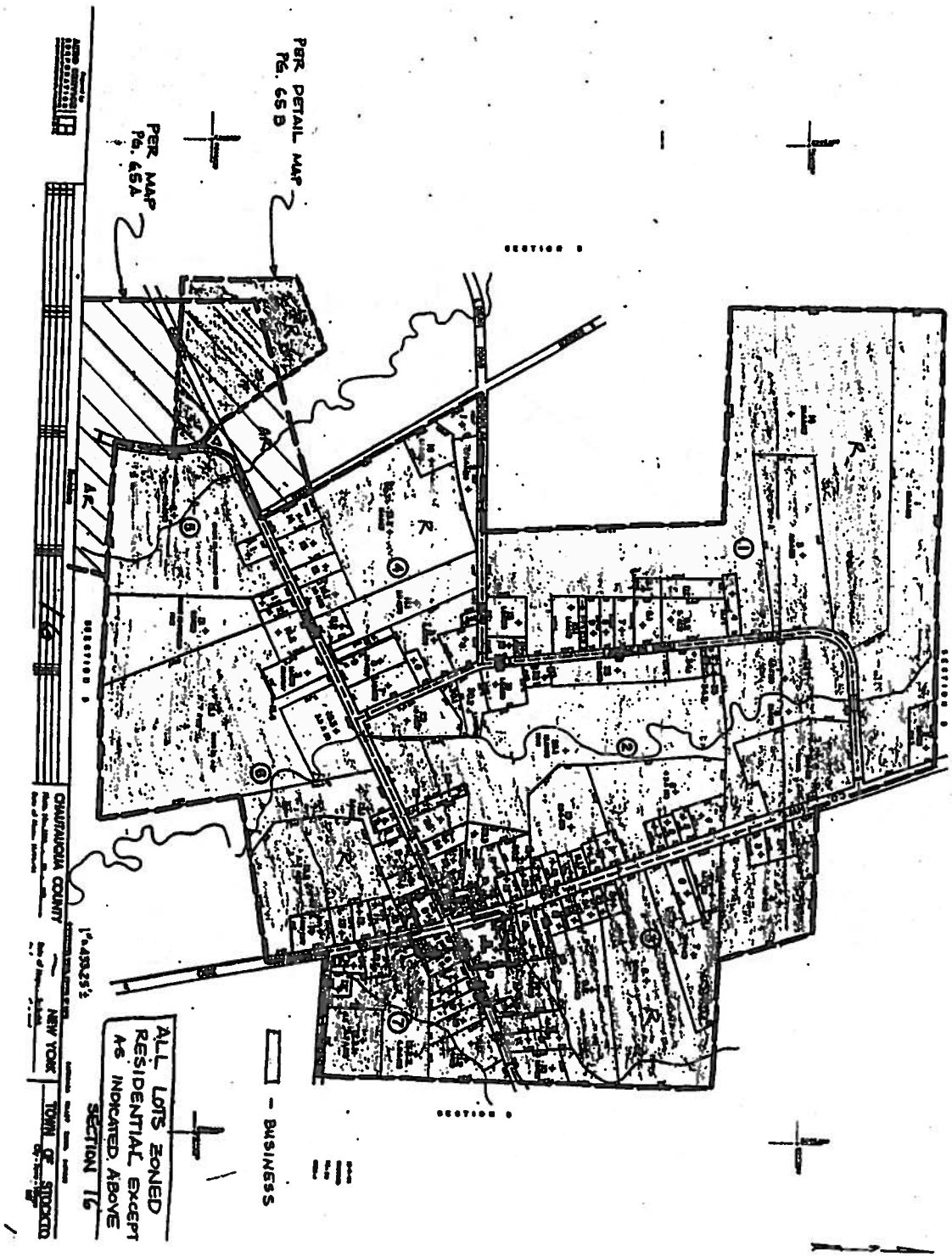
12

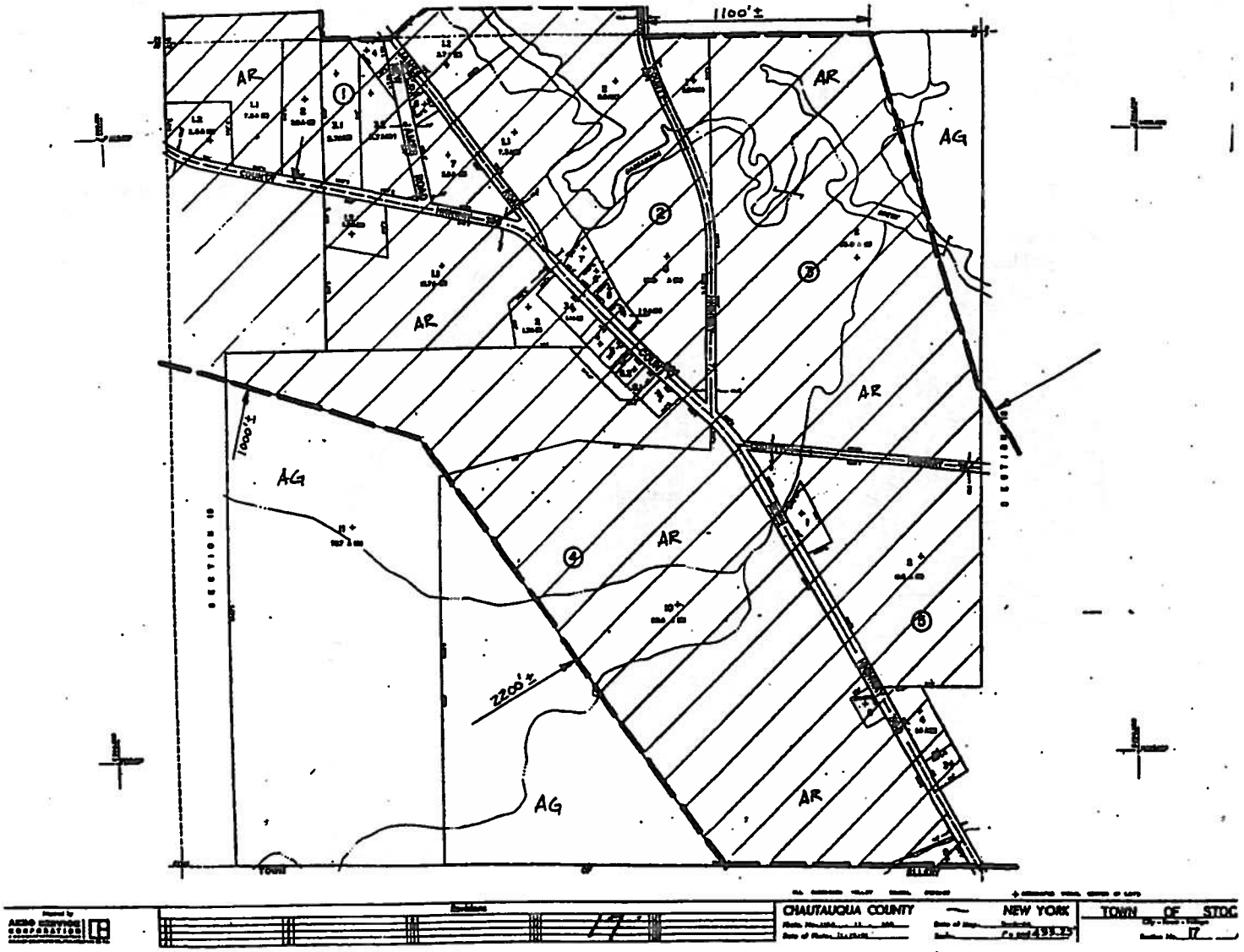

AR
AR
AR
AR
AG.
AG.
AG.
1100'
1100'
2200'
SECTION 11
SECTION 10
12
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOCK

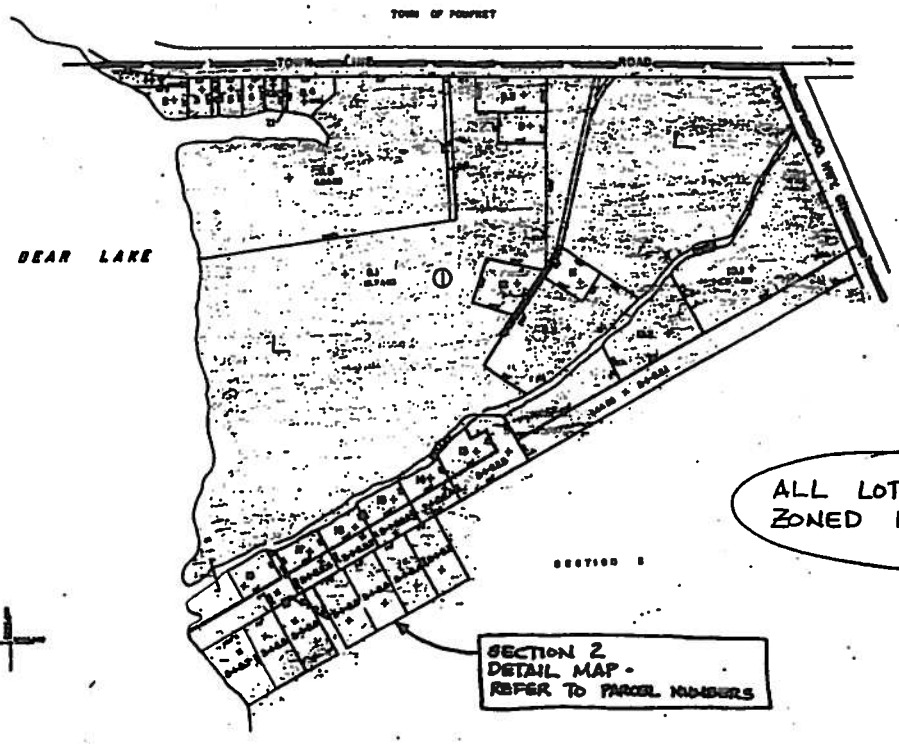

AR
AR
AR
AG.
AG.
700'±
700'±
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOCKTON
13
14


AR
AR
AR
AR
AG
AG
AG
AG.
AG.
900'
900'
2000'
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOCK


AG
AR
2000'±
1100'±
2200'±
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOCKTON


PER DETAIL MAP
PG. 65B
PER MAP
PG. 65A
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOCKTON
ALL LOTS ZONED
RESIDENTIAL EXCEPT
AS INDICATED ABOVE
SECTION 16
- BUSINESS


1100'±
AR
AR
AR
AR
AR
AR
AG
AG
AG
1000'±
2200'±
1
2
3
4
5
CHAUTAUQUA COUNTY
NEW YORK
TOWN OF STOC
17



ALL LOTS
ZONED LAKESIDE

SECTION 18

CHAUTAUQUA COUNTY — NEW YORK

TOWN OF STOCKTON

18